

In the Supreme Court of India

Civil Original Jurisdiction

I.A No. _____ of 2020

IN

Conmt. Pet. (C) No. 16/2012 IN W.P (C) No. 365/2006

IN THE MATTER OF:

International Union of Food Agriculture & Ors. ... Petitioners

Versus

Union of India & Ors. ... Respondents

And in the matter of:

Assam Sangrami Chah Sramik Sangha

Represented by its President,

Registered Office at Borgang,

District: Biswanath, Assam-784167. ... Applicant/Intervenor

PAPER BOOK

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I.A No. _____ of 2020:

Application for Directions filed on
behalf of the Intervenor/Applicant

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... Applicant/Intervenor

APPLICATION FOR DIRECTIONS ON BEHALF OF THE
APPLICANT/INTERVENOR

To

Hon. The Chief Justice of India and

His Companion Justices of the Supreme Court of India

The Application of the

Applicant/Intervenor above named

Most respectfully sheweth:

1. That the above mentioned Contempt petition in the captioned Writ Petition was filed to ensure implementation of the order passed by this Hon'ble Court in Writ Petition (C) No. 365 of 2006, which was filed before this Hon'ble Court under Article 32 of the Constitution of India to ensure timely payment of wages to the tea garden workers in different states. The writ petition was disposed of by an order dated 06.08.2010, by which the Central Government was directed to carry out their statutory duties, in terms of Sections 16-B, 16-C, 16-D and 16-E of the Tea Act, 1953 within a period of six months. As the direction issued by this Court was not complied with, the Petitioner filed the above contempt petition.

2. That the applicant/intervenor is a registered trade union of Assam having its registered office at Borgang in Biswanath district of Assam. The registration number of the petitioner trade union is 1133. It is also affiliated to the All India Central Council of Trade Unions (AICCTU). There are more than 25000 tea garden workers who are members of the petitioner trade union. The petitioner trade union is primarily engaged in issues of the workers of tea estates of Assam. After the lockdown on account of COVID-19 virus, the applicant is being approached by several tea garden workers regarding non-payment of wages and ration in different tea gardens in Assam. Hence the applicant is filing this application seeking urgent listing of the application and immediate relief for the workers.

BACKGROUND

3. On 04.04.2018, this Hon'ble Court passed a detailed order in the Contempt Petition directing the Union of India and respondent states to ensure timely payment of wages to the workers. The copy of the order dated 04.04.18 is at **Annexure A-1 at page 20 to 40**. Regarding state of Assam, this Hon'ble Court passed the following directions:

"...

(i) State of Assam is directed to complete the process of appropriation within a period of 60 days from today. The MOU shall also be signed during this period.

(ii) In the meanwhile, the State Government along with Corporation shall update the list of unpaid retired workers and notify them that they would pay the amounts. For this purpose the workers shall appear and have their identities and claims duly verified.

(iii) The State Government would put in hand the necessary funds of Rs. 99 Crores to the Corporation which shall disburse the said amount upon verification of these retired employees.

(iv) In case the workers have died, the amounts shall be disbursed to the legal representatives upon verification of their status by the Corporation.

(v) Upon verification of their identities and claims they shall make payment in chronological order, i.e., those who have retired earlier shall be paid before those who have retired later.

(vi) The process of verification and identification shall be commenced immediately.

(vii) The Government shall be entitled to recover those amount from all those employers whose primary duty was to pay the wages, as a revenue demand or any other efficacious manner.

....”

4. After order dated 04.04.2018 was passed, The State of Assam disbursed Rs.76 Crores out of Rs.99 Crores which was directed to be deposited by this Court, vide order dated 04.04.2018. The state of Assam made only partial payment to the workers, however the total dues of the workers remained unpaid. Processing of payment of dues, document verification and identification has only commenced in 15 ATC gardens. The management authority in all Tea Estate has categorized the workers in 3 classes A1 (consisting of retired alive persons), B1 (consisting of retired persons who are not alive) and C1 (consisting of running workers). Amounts are being disbursed to workers in chronological manner starting with A1 category first. Thus, the due wages of the workers remains unpaid till date.

5. This Hon'ble Court further passed an order on 11.12.19, appointing a one person committee of a retired Supreme Court judge (Hon'ble Justice (retd.) Amitava Roy to adjudicate the dispute relating to wages of the workers in all the four states- Assam, West Bengal, Tamil Nadu and Kerala. By this order, this Hon'ble Court also directed the tea Gardens to deposit a sum of Rs. 2 crore with the State Government. The copy of the order dated 11.12.19 is annexed herewith as **Annexure A-2 at page 41 to 46.**

6. This Hon'ble Court vide its order dated 10.01.2020 further modified its order dated 11.12.19 and appointed Hon'ble Justice Mr. Abhay Manohar Sapre (retd.) as the head of one person committee. This Committee started its proceedings and the first meeting in Assam was held on 26.02.2020, whereby one person committee directed all the Tea Estate Garden owners to deposit a sum of Rs. 2 crore pursuant to the order dated 11.12.19 passed by the Hon'ble Supreme Court. The copy of the minutes of the meeting dated 26.02.2020 held in Assam is annexed herewith as **Annexure A-3 at page 47 to 49.**

LOCKDOWN ON ACCOUNT OF COVID-19

7. That, on account of COVID-19 which has been declared as a pandemic by the World Health Organisation (WHO) and to prevent

its spread across the country, the National Disaster Management Authority, in exercise of powers under Section 6(2)(i) of the Disaster Management Act, 2005, issued an order dated 24-03-2020 directing Ministries/Departments of Government of India, State Governments and State Authorities to take measures for ensuring social distancing so as to prevent the spread of COVID-19 in the country. It was further ordered that the said measures shall be in force for a period of twenty-one (21) days with effect from 25th of March, 2020. Thus the period of lockdown is extended till 14.04.2020 and is likely to be further extended in different parts of the country.

MEASURES FOR MIGRANT WORKERS

8. That the Hon'ble Home Secretary, Ministry of Home Affairs, Government of India, in order to ensure effective implementation of the lockdown measures and to mitigate the economic hardship of the migrant workers, in the capacity of Chairperson, National Executive Committee and in exercise of powers under Section 10(2)(I) of the Disaster Management Act, 2005, through Order No. 40-3/2020-DM-I(A) dated 29-03-2020, directed the State/Union Territory Governments and State/Union Territory Authorities to take necessary action and to issue necessary orders to their District Magistrate/Deputy Commissioner and Senior Superintendent of Police/Superintendent of Police/Deputy Commissioner of Police to

take certain additional measures. True copy of the Order No. 40-3/2020-DM-I(A) dated 29-03-2020 issued by the Ministry of Home Affairs, Government of India is attached herewith as **Annexure A-4 at page 50 to 52**. The relevant part of the order is as under:

“All the employers, be it in the industry or in the shops and commercial establishments, shall make payment of wages of their workers, at their work places, on the due date, without any deduction, for the period their establishments are under closure during the lockdown.”

9. That the Government of Assam after receiving information regarding non-payment of wages and ration to the plantation workers by the tea garden owners, on 02.04.2020 issued a circular directing all the plantation owners to disburse the wages and ration to the plantation workers during the period of lockdown. The copy of the order dated 02.04.20, issued by the Government of Assam is annexed herewith as **Annexure A-5 at page 53 to 56**.

NON-PAYMENT OF WAGES IN TEA ESTATES OF ASSAM

10. That, as per the information available in the website of the Tea Tribes Welfare Department, Government of Assam, there are 803 tea estates in the state of Assam. Also, there are about ten lakh tea garden workers in the state of Assam and as per the

information collected by the applicant trade union, the workers of the tea estates of Assam have not been paid any wages for the period during which the tea estates have been under closure due to the lockdown. At present, the cash component of the wages paid to tea garden workers is Rs. 167 in the Brahmaputra valley whereas it is Rs. 145 in the Barak valley. Additionally, foodgrains in the form of rice and flour (*Atta*) is also provided to the workers on the following basis:

	Atta (Flour) (per week)	Rice (per week)
Worker	1.5 kgs	1.5 kgs
Spouse	0.5 kg	0.5kg
Child (2-8 years)	0.25 kg	0.25 kg
Child (8-16 years)	0.5 kg	0.5 kg

11. That the applicant/intervenor union has collected information regarding wages paid to the workers in some tea estates during the lockdown period. They found that no wages have been paid to the workers of those tea estates for the period during which the tea estates were under closure due to lockdown. Some of the information as collected by the applicant is reproduced below:

Name of	Wage	Last	Period	Status of	Remarks

tea estate	period (Bi-Monthly/Weekly)	wage paid on	for which last wage paid	ration during lockdown	
Bedeti Tea Estate	Weekly	28 th March, 2020	Work done during Pre-lockdown days	Yes, atta provided.	No wage paid for the lockdown period and neither has any rice been provided
Borajuli Tea Estate	Weekly	28 th March, 2020	Work done during Pre-lockdown days	Yes, atta provided.	No wage paid for the lockdown period and neither has any rice been

					provided
Behali Tea Estate	Weekly	28 th March, 2020	Work done during Pre- lockdo wn days	Yes, atta provided.	No wage paid for the lockdown period and neither has any rice been provided
Ketela Tea Estate	Bi- monthly	3 rd April, 2020	Work done during Pre- lockdo wn days	No	No wage and neither has any foodgrains been paid for the lockdown period.
Borbhil Tea Estate	Bi- monthly	26 th March, 2020	Work done during Pre-	No	No wage and neither has any

			lockdo wn days		foodgrains been paid for the lockdown period.
Rongaga rh Tea Estate	Bi- monthly	28 th March, 2020	Work done during Pre- lockdo wn days	No	No wage and neither has any foodgrains been paid for the lockdown period.
Borgang Tea Estate	Bi- monthly	28 th March, 2020	Work done during Pre- lockdo wn days	No	No wage and neither has any foodgrains been paid for the lockdown period.
Borgaon	Bi-	5 th	Work	One	No wage

Tea Estate	Monthly	April, 2020	done during Pre-lockdown days	week's foodgrains provided	paid for the lockdown period but just one week's ration has been paid for the lockdown period.
Baghmari Tea Estate	-	-	-	No	No wage and neither any foodgrains has been paid for the lockdown period.
Tingkhong Tea Estate	Bi-monthly	24 th March, 2020	Work done during	No	No wage and neither

			Pre-lockdown days		any foodgrains has been paid for the lockdown period.
Sarojini Tea Estate	Bi-monthly	28 th March, 2020	Work done during Pre-lockdown days	No	No wage and neither any foodgrains has been paid for the lockdown period.
Korangan i Tea Estate	Bi-monthly	3 rd & 4 th April, 2020	Work done during Pre-lockdown days	No	No wage and neither has any foodgrains been paid for the

					lockdown period.
Rajgarh Tea Estate	Bi-monthly	28 th March, 2020	Work done during Pre-lockdown days	No	No wage and neither any foodgrains has been paid for the lockdown period.
Amulyabari Tea Estate	Bi-monthly	28 th March, 2020	Work done during Pre-lockdown days	No	No wage and neither any foodgrains has been paid for the lockdown period.

12. That the President and General Secretary of the petitioner organization had written a representation via email dated 7th April,

2020, to the Labour Commissioner of Assam requesting him to take appropriate action against the employers/management of all tea estates for violating Government Orders and to also take appropriate steps to ensure that the tea garden workers immediately receive the wages for the lockdown period. But there hasn't been any concrete steps taken by the Respondents towards fulfillment of the requests made by the petitioner. True copy of the representation dated 07-04-2020 written on behalf of the applicant union to the Labour Commissioner of Assam is attached herewith as **Annexure A-6 at page 57 to 61.**

13. Despite specific government orders were passed and demands were raised by different workers union in several tea gardens, workers are not being paid their wages and rations by their employers. The workers in the tea gardens are in dire circumstances and facing extreme poverty. The earlier reports from the tea gardens suggest many starvation deaths due to non-payment of wages. With the lockdown this situation will further aggravate and may put many lives at stake. It is for this reason, that the present application is being filed by the applicant seeking urgent listing of the matter and immediate relief in terms of disbursement of wages and ration to the tea garden workers.

14. That the applicant has not filed any other or similar application/petition before this Hon'ble Court or any other Court seeking similar relief.

15. That this Hon'ble Court has jurisdiction to entertain the present application and pass relief as prayed by the applicant.

PRAYER

16. It is therefore prayed by the Applicant that this Hon'ble Court may kindly be pleased to pass an order:

- i. Directing the State of Assam (Respondent No. 5 in Writ Petition (C) No. 365 of 2006) to ensure that workers in all the tea gardens in the State of Assam are paid wages and ration immediately including for the period of lockdown.
- ii. Directing the State of Assam to strictly implement the order dated 29.03.2020 issued by the Ministry of Home Affairs, Government of India (Annexure A-4 herein) directing payment of wages to all the migrant workers.
- iii. Directing the State of Assam to strictly implement its order dated 02.04.2020 issued by the office of Labour Commissioner, Government of Assam.
- iv. Directing the State of Assam to take necessary action on the representation dated 07.04.2020 submitted by the applicant/intervenor, giving details of the pending dues in different tea gardens in Assam.

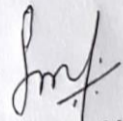
- v. Pass any other order which this Hon'ble Court may deem fit
in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS THE APPLICANT/INTERVENOR
SHALL EVER PRAY

Drawn by: Gunjan Singh

Filed on: 12.04.2020

New Delhi


(Satya Mitra)

Advocate on Record for the Applicant/Intervenor

Registration No: 1852

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... Applicant/Intervenor

AFFIDAVIT

I, Bibek das, aged about 52 years, S/o Late Rebakanta Das, R/o Village Kuhiarbari, P.O- Aragang, P.S- Gingia, District- Biswanath, Assam-784167, do hereby solemnly affirm and declare on oath as under:

1. That I am the President of the Applicant Union in the above captioned petition, and have been duly authorized to file the present application and in such capacity, I am competent to swear this affidavit. I am well conversant with the facts of the present case.
2. That I have been read the contents of the accompanying application for directions along with the annexures on pages 1 to 61 and paragraph 1 to 16 of the application at pages 1 to 17.

3. I say that I have understood the contents of the application and the annexures thereof and state that the contents thereof are true and correct to the best of my knowledge and belief. I further state that no part of it is false and that nothing material has been concealed therefrom.
4. That I have been read over and explained the contents of this affidavit and I state that averments made in this affidavit are true and correct to the best of my knowledge and belief.

Biswanath Charali

Deponent

Verification

Verified at Biswanath Charali on 11th day of April 2020 that contents of this affidavit are true and correct to the best of my knowledge and belief.

Biswanath Charali

Deponent

Annexure A-1

IN THE SUPREME COURT OF INDIA

INHERENT JURISDICTION

CONTEMPT PETITION © NO. 16 OF 2012

IN

WRIT PETITION (C) NO. 365 of 2006

INTERNATIONAL UNION OF FOOD AGR.& ORS.PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.RESPONDENT(S)

ORDER

In this case, we find that workmen, who worked for about 20 years have not been paid their wages. Their condition is pitiable and some of them have resorted to commit suicide. In some cases, these workmen are part of an unorganized Sector. In some cases proceedings have been initiated by the workmen and in some cases by the Government for recovery of dues. The amounts have been locked in litigation and without any relief to the workers. Having regard to these circumstances, we consider it appropriate to hear the State

Government on the question of interim relief that may be granted to the workmen.

IN RE: ASSAM

The State Government has responded to the proposal in a most positive manner. Shri Maninder Singh, learned Additional Solicitor General appearing for the State of Assam has stated that there are about 16,133 retired workers and staff of the corporation, many of whom had retired over 20 year back and 839 retired persons but continuing in service. The Corporation owns 15 Tea Estates in the State of Assam. It is also stated across the Bar that appropriation, i.e., the money would be placed in the hands of the Executive within a period of 90 days. However, an MOU would be signed by the State Government and the Assam Tea Corporation during that period.

In these circumstances, we pass the following order:

- (i) State of Assam is directed to complete the process of appropriation within a period of 60 days from today. The MOU shall also be signed during this period.
- (ii) In the meanwhile, the State Government along with Corporation shall update the list of unpaid retired workers and notify them that they would pay the amounts. For this purpose the workers shall appear and have their identities and claims duly verified.

(iii) The State Government would put in hand the necessary funds of Rs. 99 Crores to the Corporation which shall disburse the said amount upon verification of these retired employees.

(iv) In case the workers have died, the amounts shall be disbursed to the legal representatives upon verification of their status by the Corporation.

(v) Upon verification of their identities and claims they shall make payment in chronological order, i.e., those who have retired earlier shall be paid before those who have retired later.

(vi) The process of verification and identification shall be commenced immediately.

(vii) The Government shall be entitled to recover those amount from all those employers whose primary duty was to pay the wages, as a revenue demand or any other efficacious manner.

We are conscious that the total number of garden whose workers are unpaid is about 22. For this purpose we consider it appropriate to pass orders in relation to other gardens after hearing the owners. The list of gardens which are not owned by the Assam Tea Corporation is as follows:

SI. NO.	Name of the Address of the Tea Estate	Name of the Address of the Company
1	Rangoliting Tea Estate P.O. Lohoal, Dist – Dibrugarh, Assam - 786010	M/s Ganeshka Kanoi Tea Company, Mithapukhuri Road, Jorhat, Assam - 785001
2	M/s Ganeshka Kanoi Tea Company, Mithapukhuri Road, Jorhat, Assam - 785001	Kharikatia Tea & Industries Ltd. CF-366, Salt Lake City Sector-1, Kolkata - 700064
3	Haotoli Tea Estate P.O.: Hautley, Dist-Golaghat Assam- 785702	Boruah & Boruah Tea & Trading Pvt. Ltd. Bordoloinagar, Sector-2, Lane-5 Tinsukia- 786125
4	Chandmari Tea Estate P.O. - Tinsukia, Dist- Tinsukia Assam - 786125	Chandmari Tea Co. (P) Ltd 37 A.T Road, Talap Bali Bazar, PO- Talap, Tinsukia, Assam- 786156
5	Gillapukhuri Tea Estate, P.O-	Gillapukhuri Tea Company Ltd.

	Borguri, Dist- Tinsukia, Assam – 786126	9, Brabourne Road, 3rd Floor, Kolkata- 700001
6	Hukanpukhuri Tea Estate, P.O.- Tinsukia, Dist- Tinsukia, Assam – 786125	Nandlall & Sons Tea Industries Pvt Ltd. Bishmile, P.O – Chabua, Dist – Dibrugarh, Assam - 786184
7	Dhelakhat Tea Estate, P.O- Tinsukia, Dist- Tinsukia, Assam- 786125	Dhelakhat Tea Company Ltd. 4, Dr. Rajendra Prasad Sarani (Clive Row), Kolkata - 700001

The State of Assam is directed to notify the owners of those Tea gardens about these proceedings before us. Accordingly issue notice to those above Tea gardens through their companies/managment returnable in two weeks.

IN RE: WEST BENGAL

We are informed by the Central Government that in the State of West Bengal there are pending dues of workmen. Shri Gonsalves, learned senior counsel for the petitioner submits that according to Central Government affidavit, Rs. 30 Crores are unpaid. These dues

are apparently not paid in respect of workmen who were employed by 45 Tea Gardens.

On the question of interim relief which we propose to pass Shri Banerji learned senior counsel for the State of West Bengal submitted that there is no negligence by the State regarding unpaid workers. On the contrary, the State has spent large amounts on the development of various schemes for those workers as mentioned on pages 25-26 of the Additional affidavit filed by the State of West Bengal. It appears that this is so. We, however, see no reason why the State should not temporarily spent further amounts for paying dues to workers of an unorganized sector in respect of wages due to them for work actually rendered.

Having regard to the plight of the workers and the pitiable conditions in which they are living we consider it appropriate in the interest of justice to pass the following order:

(i) The State Government would pay the necessary funds of Rs. 15 Crores to the employees upon verification within 60 days. (ii) Notices shall be issued to the workers to present their claims and only upon verification the said amounts shall be disbursed to them.

(iii) In case the workers have died, the amounts shall be disbursed to the legal representatives upon verification their status.

(iv) Upon verification of their identities and claims they shall make payment in chronological order, i.e., those who have retired earlier shall be paid before those who have retired later.

(v) The process of verification and identification shall be commenced immediately.

(vi) The Government shall be entitled to recover those amount from all those employers whose primary duty was to pay the wages, as a revenue demand or any other efficacious manner.

A list which is mentioned at Annexure-D (Page Nos. 27 to 34) to the additional affidavit filed on behalf of the State of West Bengal which is as follows:

Status of running but stressed Tea Estates

S.No	Name of Tea Estate/Garden	No. of workers	Management
1	Ramjhora	1141	M/s Hind Tea Company Ltd. Mr. Narendra Barelia Arun Tea Warehouse Complex, 2.5 Mile Sevoke Road, Siliguri – 734001 Rocpcm01@gmail.com
2	Mujnai	1095	M/s Anjuman Tea Company Ltd.

			8, Khairu Place, 4th Floor, Room No. 2, Kolkata – 700072 Anjuntea2011@gmail.com
3	Jaybirpara	636	ESS ESS Endeavour Pvt. Ltd., M.G.Road, Khalpara, Siliguri, Dist- Darjeeling
4	Kalchini	2003	M/s Mars Plywood Mr. Roshanlal Agarwala Maitra Bhawan Sevoke Road, Siliguri – 734001 Srnakipuria.ca@gmail.com
5	Kohinoor	975	Khayerbari Tea Co. LTD ,21 MR Road Khalpara Siliguri-734005
6	Chinchula (Merico)	1371	Merico Tea Estate Limited, 64 A Hemanta Basu Sarani (2nd Floor), Kolkata-700001
7	Birpara	2623	M/s Duncans Industries Ltd 31, Netaji Subhas Road Kolkata 700 001
8	Dumchipara	1918	Telephone:(033) 2230 0962/2185 Fax: (033) 2248 6021 E- mail:dil_secretarial@duncans- tea.com Duncan House
9	Carron	757	M/S Basu Pvt Ltd 114 Harish Mukherjee Road,

			Kol-25
10	Kathalguri	1356	M/s Hind Tea Company Ltd. Mr. Narendra Barelia Arun Tea Warehouse Complex, 2.5 Mile Sevoke Road, Siliguri – 734001 Rocpcm01@gmail.com
11	Chamurchi	1052	216.Mahatma Gandhi Road, Kolkata-700007 Mr. R.P. Tewari, Chamurchi Argo(India) Ltd.216.Mahatma Gandhi Road, Kolkata-700007
12	Shikarpur- Bhandapur	1551	24, Ganesh Chandra Avenue, Commerce House, 5Th Floor, Room No 7, Kolkata-13 Shri Ramabtar Berlia, Director Shri Basant Kumar Berlia, Director Shri Narendra Berlia, Director 233, Sevoke Road, 2nd Mile, Siliguri
13	Raipur	617	C/O, Abhhoy & Co., Nehru Road, Khalpara, Siliguri, Darjeeling Mr. Raimohan Saha, Nehru Road, Khalpara, Siliguri
14	Srinathpur	239	Srinathpur Tea Company Ltd. 262, Bidhan Road, Siliguri – 734401
15	Bamandanga- Tondu	1254	Bamandanga Tea Estates Pvt. Ltd., 4A, Pollock

			Street,410,Swaika Centre,4thFloor,Kolkata-700001
16	Samsing	1500	Rajesh Agarwal, Sevoke Road, C/o PCM Tower, Siliguri, Darjeeling - 734001. Official Address 3rdFloor, PCM Tower,2nd Mile, Sevoke Road, Bhaktinagar, Siliguri
17	Hantapara	1898	M/s Duncans Industries Ltd Duncan House 31, Netaji Subhas Road Kolkata 700 001 Telephone:(033) 2230 0962/2185 Fax: (033) 2248 6021 E-mail: dil_secretarial@duncans- tea.com
18	Garganda	1517	M/s Duncans Industries Ltd Duncan House 31, Netaji Subhas Road Kolkata 700 001 Telephone:(033) 2230 0962/2185 Fax: (033) 2248 6021 E-mail: dil_secretarial@duncans- tea.com

19	Demdima	1645	M/s Duncans Industries Ltd Duncan House 31, Netaji Subhas Road Kolkata 700 001 Telephone:(033) 2230 0962/2185 Fax: (033) 2248 6021 E-mail: dil_secretarial@duncans- tea.com
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Status of Tea Estates/Garden which are NOT getting Financial Assistance to Workers of Locked out Industrial Units (FAWLOI)

S.No	Name of Tea Estate/Garden	No. of workers	Management
1	Dharanipur	374	Lease cancelled by the State of West Bengal. Previous owners:- M/s Mars Plywood Mr. Roshanlal Agarwala Maitra Bhawan Sevoke Road, Siliguri – 734001Srnapurria.ca@gmail. c om
2	Tulsipara	1141	M/s Duncans Industries Ltd

3	Lankapara	2132	Duncan House 31, Netaji Subhas Road Kolkata 700 001 Telephone:(033) 2230 0962/2185 Fax: (033) 2248 6021 E-mail: dil_secretarial@duncans- tea.com
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The State of West Bengal is directed to notify the owners of those Tea gardens about these proceedings before us. Accordingly issue notice to those above Tea gardens through companies/management returnable in two weeks.

IN RE: STATE OF TAMIL NADU

According to the Central Government in the State of Tamil Nadu, an amount of 17 Crores is outstanding and payable to the workmen as dues for the work rendered by them. Shri V. Giri, learned counsel for the State of Tamil Nadu states that as on date, the liability is to the extent of about Rs. 9.5 crores.

Undoubtedly, the primary liability is of the employers. However, having regard to the circumstances of this case which we have adverted to earlier we consider it appropriate to pass the following order:

- (i) The State Government would pay the necessary funds of Rs. 9.5 Crores to the employees upon verification within 60 days .
- (ii) Notices shall be issued to the workers to present their claims and only upon verification the said amounts shall be disbursed to them.
- (iii) In case the workers have died, the amounts shall be disbursed to the legal representatives upon verification of their status.
- (iv) Upon verification of their identities and claims they shall make payment in chronological order, i.e., those who have retired earlier shall be paid before those who have retired later.
- (v) The process of verification and identification shall be commenced immediately.
- (vi) The Government shall be entitled to recover those amount from all those employers whose primary duty was to pay the wages, as a revenue demand or any other efficacious manner.

We are informed by the State of Tamil Nadu that primary liability is of the employer list of which is as follows :

Address of the Tea Gardens

S.No	Name of the Tea Estate and Address	Name of the Company and Address
1	High Forest Estate Post, Valparai, Coimbatore, Tamil Nadu, Pincode – 642127	Mahavir Plantations Pvt. Ltd. 24/1511, Indira Gandhi Road, Kochi - 682003
2	Liddelsdale & Prospect Liddlellsdale Estate Naduvattam Post, Ooty Tulak, The Nilgiris, Tamil Nadu – 643224	Mahavir Plantations Pvt. Ltd. 24/1511, Indira G
3	Manjushree, New Hope & Glenvans New Hope Estate, New Hope Post, Gudalur Taluk, The Nilgiris Tamil Nadu – 643226	Manjushree Plantations Limited, 7E Neelamber Building, 28B Shakespeare Sarani, Kolkata 700017
4	Seaforth Estate, Seaforth Post, Gudalur Taluk, The Nilgiris Tamil Nadu - 643228	Mahavir Plantations Pvt. Ltd. 24/1511, Indira Gandhi Road, Kochi - 682003

We accordingly consider it appropriate to direct the State of Tamil Nadu to notify the owners of those Tea gardens about these

proceedings before us. Accordingly issue notice to those above Tea gardens through companies/management returnable in two weeks.

IN RE: KERALA

As far as state of Kerala is concerned, the total amount unpaid, according to Shri Gonsalves is a large sum of Rs. 27 crores. This is denied by Shri G. Prakash who states that only a total of Rs. 2.79 cores is due as arrears to the workmen of the Tea Estates in the State of Kerala. We accordingly pass the following order:

(i) The State Government would pay the necessary funds of Rs. 2.79 Crores to the employees upon verification within 60 days

(ii) Notices shall be issued to the workers to present their claims and only upon verification the said amounts shall be disbursed to them.

(iii) In case the workers have died, the amounts shall be disbursed to the legal representatives upon verification of their status.

(iv) Upon verification of their identities and claims they shall make payment in chronological order, i.e., those who have retired earlier shall be paid before those who have retired later.

(v) The process of verification and identification shall be commenced immediately.

(vi) The Government shall be entitled to recover those amount from all those employers whose primary duty was to pay the wages, as a revenue demand or any other efficacious manner.

We are informed by the State of Kerala that primary liability is of the employer list of which is as follows :

S.No	Name of the Tea Estate and Address	Name of the Company and Address
1	Peermade and Lonetree Peermade Tea Company Cheenthalaar Post, Peermade Taluk, Idukki Distt. Kerala - 685501	Peermade Tea Company Limited, TC-12/76 "Silver Oaks", PMG-Plamoodu Road, Pattom Palace P.O., Thiruvananthapuram, Kerala 695004
2	Glenmary Estate, Peermade Post, 685531	Bethel Plantations Pvt Ltd Corporate Office Glenmary Estate Peermade Idukki, Kerala 685531
3	Ladrum Tea Estate, Peermade – 685531 Idukki Kerala Bethel Plantations Pvt Ltd Corporate Office Glenmary Estate Peermade Idukki, Kerala 685531	Bethel Plantations Pvt Ltd Corporate Office Glenmary Estate Peermade Idukki, Kerala 685531
4	Kuduakaranm Estate,	Bethel Plantations Pvt Ltd

	Peermade – 685531 Idukki Kerala	Corporate Office Glenmary Estate Peermade Idukki, Kerala 685531
5	Manjumallai Tea Estate Vandiperiyar – 685533, Idukki Kerala	Poabs Enterprises (P) Ltd, District Pathnamthitta, Kuttoor PO Thiruvalla 689106
6	Thengakal Tea Estate, Vandiperiyar – 685533, Idukki Kerala	Poabs Enterprises (P) Ltd, District Pathnamthitta, Kuttoor PO Thiruvalla 689106
7	Pambannar Tea Estate, Peermade – 685531, Idukki Kerala	Poabs Enterprises (P) Ltd, District Pathnamthitta, Kuttoor PO Thiruvalla 689106
8	Pasumullai Tea Estate, Vandiperiyar-685533 Idukki Kerala	Poabs Enterprises (P) Ltd, District Pathnamthitta, Kuttoor PO Thiruvalla 689106
9	Granby Tea Estate, Vandiperiyar- 685533 Idukki Kerala	Poabs Enterprises (P) Ltd, District Pathnamthitta, Kuttoor PO Thiruvalla 689106
10	Nellikai Tea Estate, Vandiperiyar – 685533 Idukki Kerala	Poabs Enterprises (P) Ltd, District Pathnamthitta, Kuttoor PO Thiruvalla 689106
11	Koliekanam Tea Estate,	Bethel Plantations Pvt Ltd

	Peermade, Idukki Distt. Kerala	Corporate Office Glenmary Estate Peermade Idukki, Kerala 685531
12	Mount Tea Estate Peermade, Idukki Dist. Kerala	Bethel Plantations Pvt Ltd Corporate Office Glenmary Estate Peermade Idukki, Kerala 685531
13	Tungamullay Tea Estate, Peermade, Idukki Dist. Kerala	Bethel Plantations Pvt Ltd Corporate Office Glenmary Estate Peermade Idukki, Kerala 685531
14	Bonaccard Tea Estate, Bonaccard Post, Via Nedumandagu Vithurathiruvanathapuram – 695551	Mahavir Plantations Pvt. Ltd. Silver Bright House, Chullikal Road, Kochi - 682005

We accordingly consider it appropriate to direct the State of Kerala to notify the owners of those Tea gardens about these proceedings before us. Accordingly issue notice to those above Tea gardens through companies/management returnable in two weeks.

.....J.
[S.A. BOBDE]

.....J.
[L. NAGESWARA RAO]

NEW DELHI,
APRIL 04, 2018.

ITEM NO.301

COURT NO.7

SECTION PIL-W

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

CONMT.PET.(C) No. 16/2012 In W.P.(C) No. 365/2006

INTERNATIONAL UNION OF FOOD AGR. & ORS.Petitioner (s)

VERSUS

UNION OF INDIA & ORS.Respondent (s)

(With IA No.33241/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Date : 04-04-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. A. BOBDE

HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner (s)

Mr. Colin Gonsalves, Sr. Adv.

Ms. Aditi Gupta, Adv.

Ms. Olivia Bang, Adv.

Ms. Jyoti Mendiratta, AOR

For Respondent (s)

Mr. Bhaskar P Gupta, Sr. Adv.

Ms. Sangeeta Mandal, Adv.

Ms. Sukanya Basu, Adv.

for M/S. Fox Mandal & Co., AOR

Mr. Siddharth, AOR

Mr. Amit Kr. Agrawal, Adv.

Mr. Aman Lekhi, ASG

Ms. Vibha Datta Makhija, Sr. Adv.

Ms. Rashmi Malhotra, Adv.

Mr. S.K. Singhania, Adv.

Mrs. Anil Katiyar, AOR

Mr. G. Prakash, AOR

Mr. Jishnu M.L., Adv.

Mr. Priyanka Prakash, Adv.

Mrs. Beena Prakash, Adv.

Mr. Vijay Shankar V.L., Adv.

Mr. Ajay Marwah, AOR

Mr. Mool Singh, Adv

Mr. Debal Banerji, Sr. Adv.

Ms. Astha Sharma, Adv.

Mr. Amit Verma, Adv.

for M/S. PLR Chambers And Co., AOR

Mr. Maninder Singh, ASG

Mr. Shuvodeep Roy, AOR

Mr. Ankit Roy, Adv.

Mr. Prabhash Bajaj, Adv.

Mr. Sayooj Mohan Das, Adv.

Mr. Debojit Borkakati, Adv.

Mr. V. Giri, Sr. Adv.

Mr. T.R.B. Siva Kumar, Adv.

Mr. K.V. Ram Kumar, Adv.

UPON hearing the counsel the Court made the following

ORDER

The matter is adjourned in terms of directions to the State of Assam, West Bengal, Tamil Nadu and Kerala.

Issue notice to the Tea gardens through companies. Management in respect of above-mentioned States returnable in two weeks.

[Charanjeet Kaur]

A.R.-cum-P.S.

[Indu Kumari Pokhriyal]

Asstt. Registrar

[Signed order is placed on the file]

(True copy)

Annexure A-2

ITEM NO.301

COURT NO.1

SECTION PIL-W

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

CONMT.PET.(C) No. 16/2012 In W.P.(C) No. 365/2006

INTERNATIONAL UNION OF FOOD AGR. & ORS.Petitioner (s)

VERSUS

UNION OF INDIA & ORS.Respondent (s)

(With IA No.33241/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Date : 11-12-2019 This petition was called on for hearing today.

CORAM :**HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE L. NAGESWARA RAO**

Counsel for the parties

Mr. Colin Gonsalves, Sr. Adv.

Ms. Olivia Bang, Adv.

Ms. Jyoti Mendiratta, AOR

Ms. Aditi Gupta, Adv.

Ms. Anu Pradha Singh, Adv.

Mr. Rakesh Dwivedi, Sr. Adv.

Mr. Suhaan Mukerji, Adv.
Ms. Astha Sharma, Adv.
Ms. Kajal Dalal, Adv.

Ms. Sansriti Pathak, Adv.
Mr. Amit Verma, Adv.
Mr. Abhishek Manchanda, Adv.
Mr. Prastut Dalvi, Adv.
M/S. PLR Chambers And Co., AOR

Mr. G. Prakash, AOR
Mr. Jishnu M.L., Adv.
Mrs. Priyanka Prakash, Adv.
Mrs. Beena Prakash, Adv.

Mr. Vibha Datta Makhija, Sr. Adv.
Mr. S.K. Singhania, Adv.
Mr. Praveen Gaur, Adv.
Ms. Aadya Mishra, Adv.
Ms. Rashmi Malhotra, Adv.
Ms. Priyanshi Agarwal, Adv.
Mr. Anil Katiyar, AOR
Mr. Narender Hooda, Sr. Adv.
Ms. Sangeeta Mandal, Adv.
Ms. Swati Sinha, Adv.
Ms. Taruna A. Prasad, Adv.
Ms. Sukanya Basu, Adv.
For M/s Fox Mandal & Co.

Mr. Vikas Mahajan, AAG
Mr. Joydip Roy, Adv.
Mr. Vinod Sharma, AOR
Mr. Anil Kumar, Adv.

Mr. Siddharth, AOR

Ms. Rashmi Malhotra, AOR

Mrs. Anil Katiyar, AOR

Mr. Aneesh Mittal, AOR
Ms. Shreya Sharma, Adv.

Mr. M. P. Vinod, AOR

Mr. Nalin Kohli, AAG
Ms. Nimisha Menon, Adv.
Mr. Shuvodeep Roy, Adv.

Mr. Rituraj Biswas, AOR
Mr. Rituraj Choudhary, Adv.
Ms. Sujata Bardhan, Adv.

Mr. C.N. Sree Kumar, Sr. Adv.
Mr. B. Rangunath, Adv.
Mr. Vijay Kumar, AOR

Mr. T. R. B. Sivakumar, AOR

M/S. Mitter & Mitter Co., AOR

Mr. N.M. Varghese, Adv.
Mrs. Tessy Varghese, Adv.
Mr. K. V. Mohan, AOR

Mr. Anukul Raj, Adv.
Mr. Nikita Raj, Adv.
Mr. P.K. Aggarwal, Adv.
Mr./Ms. Priscilla Ghazes, Adv.

Mr. Kumar Dushyant Singh, AOR

UPON hearing the counsel the Court made the following

ORDER

1. Aggrieved by the non-payment of dues to the plantation workers, the Petitioner filed Writ Petition (C) No. 365 of 2006. The writ petition was disposed of by an order dated 06.08.2010, by which the Central Government was directed to carry out their statutory duties, in terms of Sections 16-B, 16-C, 16-D and 16-E of the Tea Act, 1953 within a

period of six months. As the direction issued by this Court was not complied with, the Petitioner filed the above contempt petition.

2. After hearing the learned counsel for the parties, a detailed order was passed on 04.04.2018 by this Court giving directions to the States of Assam, West Bengal, Tamil Nadu and Kerala, to pay the dues of the retired workers. After obtaining the information about the dues payable to the workmen from the Union of India, the State of Assam was directed to make available Rs.99 Crores to the Assam Tea Corporation, which was directed to be disbursed to the workmen, after verification of their claims. Likewise, the States of West Bengal, Tamil Nadu and Kerala were also directed to provide Rs.15 Crores, Rs.9.5 Crores and Rs.2.79 Crores respectively for the purpose of payment of the dues of the workers.

3. The status report filed on behalf of the Petitioner regarding compliance of the order dated 04.04.2018 shows that the directions issued by this Court have been partially implemented by the State Governments. The State of Assam disbursed Rs.76 Crores out of Rs.99 Crores which was directed to be deposited by this Court, vide order dated 04.04.2018. Similarly, the State of West Bengal had disbursed only Rs.12.18 Crores out of Rs.15 Crores which was directed to be paid and the State of Tamil Nadu had disbursed Rs.8 Crores out of Rs.9.5 Crores. The State of Kerala has not disbursed any amount as per the status report filed by the Petitioner.

4. Mr. Rakesh Dwivedi, learned Senior Counsel appearing for the State of West Bengal made some suggestions regarding the redressal of the grievances of the workers. Mr. Colin Gonsalves, learned Senior Counsel appearing for the petitioner, Ms. Vibha Datta Makhija, learned Senior Counsel appearing for the Union of India and Mr. Narender Hooda, learned Senior Counsel appearing for the Tea Board have no objection to this Court accepting the suggestions made by Mr. Dwivedi.

5. We accept the suggestions made by Mr. Dwivedi as mentioned above with the following modification in paragraph No. 1 and paragraph No.9.

6. Paragraph No.1 shall be modified to state that Mr. Justice Amitava Roy, retired Judge of this Court, shall head the One-Member Committee instead of Justice (Retd.) Kalyan Jyoti Sengupta as suggested by the State of West Bengal. Paragraph No.9 shall stand modified to state that the additional costs in the process of disbursement of dues shall be borne by the State Governments instead of the Tea Board. Subject to the above modifications, the suggestions of the State of West Bengal are accepted. The workers are directed to approach the One-Member Committee for settlement of their claims. The connected records shall be made available to the One Member Committee by the State Government, Tea Board and the Tea Gardens, as and when required. As per the suggestions made on behalf of the State of West Bengal, each Tea garden shall deposit an amount of Rs.2 Crores. All the Tea gardens are directed to deposit the said

amount. In case any tea garden has paid all the dues of the workmen, they may approach the One-Member Committee for refund of the amount deposited.

7. The suggestions made by the State of West Bengal shall be furnished to the Advocates-On-Record for the States of Assam, Tamil Nadu and Kerala. They may come forward with proposals for disbursement of the dues of the workmen of the tea gardens. The process of disbursement of the dues to the workmen may be expedited by the One-Member Committee as the payments have been pending for a very long period of time.

8. List the matter in February, 2020.

(SANJAY KUMAR II)

COURT MASTER (SH)

(PRADEEP KUMAR)

BRANCH OFFICER

(True copy)

Annexure A-3

Abhay Manohar Sapre

FORMER JUDGE, SUPREME COURT OF INDIA

26.02.2020

International Union of Food, Agriculture,
Hotel, Restaurant, Catering, Tobacco,
Plantation and Allied Worker's Association (IUF)

Pursuant to notice dated 30.01.2020 issued for today's meeting (26.02.2020) at Assam Administrative Staff College, Khanapara, Guwahati, list of persons appeared and attended the proceedings is attached herewith as Annexure-1.

I have heard the aforementioned persons individually as also collectively at length and also taken into consideration views and suggestions given by everyone on the various issues in relation to the case.

After hearing the views/suggestions of all parties and keeping in view all the orders passed by the Supreme Court from time to time, I consider just, proper and in the interest of justice to grant an opportunity to all Unions of Tea Garden workers who are writ petitioners in the writ petition to file their respective claims of the workers in relation to their various dues before this committee along

with details duly supported with relevant documents by next date of hearing.

I also grant an opportunity to all Tea Estate Garden Owners to ensure compliance of Supreme Court Order dated 11.12.2019 by which each Tea Estate Garden Owner was directed to deposit a sum of Rs. 2 crore.

Let the compliance be made by next date of hearing.

Those Tea Estate Garden Owners who have complied with the directions of the Supreme Court Order dated 11.12.2019 need not comply the directions except to submit compliance report by the next date of hearing.

All Tea Garden Estate Owners who are parties to Supreme Court order and also present today are granted an opportunity to file their individual case statement in relation to the dispute in question setting out therein their case as to what they have to say on affidavit duly supported with documents by the next date of hearing.

The State and its agencies such as Labour Department, Provident Fund Department and Tea Board are also granted an opportunity to file/produce entire record relating to each Tea Estate Garden Owners or the workers in question in respective of each Tea Gardens specified

in the SC order with a view to verify various claims of the Tea Estate Garden workers against them.

Let this be filed by the next date of hearing.

The Trade Unions who are not parties to the writ petition have also appeared of their own today. These unions are also granted an opportunity to file statement in relation to their grievances, duly supported with the affidavits.

Let this be filed by all such Trade Unions by the next date of hearing.

Indian Tea Association is also granted time to file their submission/statement in case if they so wish, by the next date of hearing duly supported with the affidavit.

It is agreed by consensus that the next date of hearing is 09.04.2020 at Assam Administrative Staff College, Khanapara, Guwahati at 10:30 a.m.

(signed)

(ABHAY MANOHAR SAPRE)

International Union of Food, Agriculture,
Hotel, Restaurant, Catering, Tobacco,
Plantation and Allied Worker's Association (IUF)
324, Basunagar Madhyamgra,
Kolkata-700128, West Bengal

Encl. - As stated

(True copy)

Annexure A-4

No. 40-3/2020-DM-I(A)

Government of India

Ministry of Home Affairs

North Block, New Delhi-110001

Dated 29th March, 2020

ORDER

Whereas, in exercise of the powers, conferred under Section 10(2)(i) of the Disaster Management Act, the undersigned, in his capacity as Chairperson, National Executive Committee, has issued an Order of even number dated 24.03.2020, followed by Addendum Orders of even number dated 25.03.2020 and 27.03.2020 to the Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities with the directions to implement lockdown measures annexed to the said Orders for the containment of spread of COVID-19 in the country;

Whereas, movement of a large number of migrants have taken place in some parts of the country so as to reach their hometowns. This is a violation of the lockdown measures on maintaining social distance;

Whereas, to deal with the situation and for effective implementation of the lockdown measures, and to mitigate the

economic hardship of the migrant workers, in exercise of the powers, conferred under Section 10(2)(I) of the Disaster Management Act 2005, the undersigned, in the capacity as Chairperson, National Executive Committee hereby directs the State/Union Territory Governments and State/ Union Territory Authorities to take necessary action and to issue necessary orders to their District Magistrate/ Deputy Commissioner and Senior Superintendent of Police/ Superintendent of Police Deputy Commissioner of Police, to take following additional measures:

- I. State/Union Territory Governments shall ensure adequate arrangements of temporary shelters, and provision of food etc. for the poor and needy people, including migrant labourers, stranded due to lockdown measures in their respective areas;
- II. The migrant people, who have moved out to reach their home states/ home towns, must be kept in the nearest shelter by the respective State/Union Territory Government quarantine facilities after proper screening for a minimum period of 14 days as per standard health protocol;
- III. All the employers, be it in the Industry or in the shops and commercial establishments, shall make payment of wages of their workers, at their work places, on the due date, without any deduction, for the period their establishments are under closure during the lockdown;

- IV. Where ever the workers, including the migrants, are living in rented accommodation, the landlords of those properties shall not demand payment of rent for a period of one month.
- V. If any landlord is forcing labourers and students to vacate their premises, they will be liable for action under the Act.

It is further directed that in case of violation of any of the above measures, the respective State/UT Government, shall take necessary action under the Act. The District Magistrate/ Deputy Commissioner and Senior Superintendent of Police Superintendent of Police/ Deputy Commissioner of Police will be personally liable for implementation of the above directions and lockdown measures issued under the above mentioned Orders.

(signed)

Dated 29-3-2020

Home Secretary

To

1. The Secretaries Of Ministries/ Departments Of Government Of India

2. The Chief Secretaries/Administrators Of States/Union Territories

(As per list attached)

Copy to:

- i. All members of the National Executive Committee.
- ii. Member Secretary, National Disaster Management Authority.

(True Copy)

Annexure A-5

GOVERNMENT OF ASSAM
OFFICE OF THE LABOUR COMMISSIONER, ASSAM
GOPINATHNAGAR: GUWAHATI- 16.

NO.PLA. 7/06/Pt –I/ Dated

Guwahati, 2nd April the, 2020.

From : Smti A Dutta Barua,
Deputy Labour Commissioner, Assam,

To,

1. All Assistant Labour Commisssoners
2. All Labour Officers (unattached)
3. All Labour Inspector (unattached)

Subject : Regarding payment of wages and ration during the
period of lockdown.

Reference : Labour Commissioner's letter NO.PLA. 7/06/Pt –I/
4381-444, Dated 27th March, 2020

In continuation of the letter under reference, this office is in receipt of reports over phone that some tea garden managements are expressing reluctance to release salary and ration to their workers for the period of lockdown. In this connection please refer to the Order

dated 29th March, 2020 issued by Government of India, Ministry of Home Affairs (copy attached).

Therefore, I am directed to request you all to keep strict vigil so that all employers/managements make payment of wages to their workers on the due date without any deduction for the period their establishment/plantation are under closure due to lockdown.

This is for your information and immediate necessary action.

(signed)

Deputy Labour Commissioner,

Assam.

MEMO NO.PLA. 7/06/Pt –I/

Dated Guwahati, 2nd April the, 2020

Copy to,

1. The Labour Commissioner, Assam for kind information
2. The PS to Principal Secretary, Labour Welfare Department, for kind appraisal of Principal Secretary
3. The Convenor, AVPCCPA, C/O ABITA, 29 Mother Teresa Road, Gitanagar, Ghy 24
4. The General Secretary, ACMS Central, Dibrugarh for kind information.
5. The General Secretary, ACKS Central, Dibrugarh for kind information.

(signed)

Deputy Labour Commissioner,

Assam.

GOVERNMENT OF ASSAM
OFFICE OF THE ASST. LABOUR COMMISSIONER
SIVASAGAR

No. PLA/G/01/06/ **901-927** Dated Sivasagar, the 2nd April, 2020

To : The Manager/Senior Manager,
All 27 Tea Estates of Sivasagar District

Subject : Regarding Payment of Wages and Ration during the
Lockdown Period.

Ref : Labour Commissioner, Assam letter No.LE.16/2018/
4035-98 dtd. 21/03/2020 Ministry of Home Affairs
Order dtd. 29th March, 2020

Dear Sir/Madam,

In continuation to the letter and order under reference and as per the direction of the Deputy Labour Commissioner-cum-Chief Inspector of Plantations, Assam through her letter dtd. 2nd April, 2020 (copy enclosed) you are hereby requested to make payment of wages to your workers and staff on the due date without any deduction for the period your establishment is under closure due to the lockdown ordered for the ongoing COVID-19 pandemic.

You are requested to strictly abide by this direction failing which necessary action will be initiated against you for wilful violation of Govt. orders.

This is for favour of your kind information and necessary action.

Yours faithfully,

Enclosed: As stated above.

(signed)

(A. Borthakur)

Labour Officer

Sivasagar

Memo No. PLA/G/01/06/ **928-33** Dated Sivasagar, the 2nd April, 2020

Copy to:

1. The Labour Commissioner, Assam for favour of his kind information.
2. The Deputy Commissioner, Sivasagar for favour of his kind information
3. The Assistant Labour Commissioner, Sivasagar, for favour of his kind information.
4. The President/Secretary, TAI, ABITA, ATPA, NETA, BCP pertaining to their tea gardens in Sivasagar district for favour of their kind information and necessary action.
5. The President/Secretary, ACMS, Nazira/Moran Branch for favour of their kind information
6. The President/Secretary, ACKS, Nazira/Moran Circle for favour of their kind information.

(signed)

Labour Officer

Sivasagar

(True copy)

Annexure A-6

07.04.2020

To

The Labour Commissioner,

Government of Assam,

Gopinath Nagar, Guwahati-16.

Respected Sir,

Today is the 14th day of lockdown declared by the Hon'ble Prime Minister of India. Keeping in view the condition of daily wage earners of Tea industry during the period of lockdown, the central govt vide Order no. 40-3/2020-DM-I(A) dated 29.03.2020 directed all tea gardens owners to pay wages to the workers for this period. Subsequently the Govt of Assam also vide Letter of Labour Commissioner bearing no. PLA. 7/06/Pt-I dated 02.04.20 reiterated the same directions.

But, with much sadness we beg to inform you that most of the workers of the tea industry of Assam have not received any wages or ration for the period of lockdown till 6th of April, 2020. As a result, their family conditions have become very grave. Due to this, the starving tea workers of Baghmari Tea Estate of Biswanath District have started revolting.

Furnished below is information about how wages & ration have been disbursed to the workers of some tea gardens situated of Biswanath and Dibrugarh districts:-

Bihali constituency under Biswanath district:

#Bedeti, Borajuli & Bihali Tea Estates:

Owned by McLeod Russel. Wages are paid weekly. The workers received payments on 28th March, 2020 for the works done in the previous week. They did not receive any payment for the lockdown period. In terms of ration, on 6th April, 2020, they received only atta (flour), but no rice. In the form of Government aid, all workers, whether permanent or temporary, received 4 kg rice. Those without ration card have received 3 kg rice, 250 gm lentils, 1 kg potato, 1 packet of salt worth Rs 5/-; but many families have not received even this help.

#Ketela Tea Estate (Owner : H.M. Pincha) Wages are paid bi-monthly. Workers received payment on 3rd April for the work done prior to imposition of lockdown. No wages or ration has been received for the lockdown period. As Government aid, they received 5 kg rice and 1 soap. Both permanent and temporary workers have received this aid.

#Borbheel Tea Estate (Owner : Goodricke) – Wages are paid bi-monthly. They received wages on 26th March for the number of days on which work was done. No wages or ration was provided for the lockdown period. No Government aid has been received.

#Rongagarh Tea Estate (Owner : Goodricke) – Wages are paid Bi-monthly. Wages were paid on 28th March for the number of days on which work was done. Nothing has been paid for the lockdown period. A few workers without ration card have received 3 kg rice, 250gram lentils, 1 kg potato as government aid.

#Borgang Tea Estate (Owner : Goodricke) – Wages are paid Bi-monthly. Wages were paid on 28th March for the number of days on which work was done. No wages or ration has been provided for the lockdown period. A few workers without ration card have received 3 kg rice, 250 gram lentils and 1 kg potato.

#Borgaon Tea Estate (owner : CM Pincha) – Wages are paid weekly. No wages or ration has been paid for the lockdown period. Government aid - Some permanent workers have received 5 kg rice. Some without ration card have received 3 kg rice, 250 gm lentils and 1 kg potato. A few of the very poor persons (about 5 persons) have received Rs. 1000/- each.

The condition of workers of Baghmari Tea Estate, owned by M.K. Shah) has been highlighted in the news.

The status of few gardens in Dibrugarh district:

#Tingkhang Tea Estate – Wages are paid bi-monthly. Last payment was received on 24th March for work done on days prior to lockdown. Ration card holders got rice from the cooperative store. No wages or ration has been paid for the lockdown period.

#Sarojini Tea Estate – Wages are paid bi-monthly. Payment was last received on 28th March for work done on days prior to lockdown but no payment was made for the 3 days after lockdown. Ration card holders got rice from cooperative store. Those without ration cards were initially not given any rice from the cooperative. On submission of a list of 26 families, they received 3 kg 900 gms of rice from the cooperative store. Those children studying in tea garden schools received 9 kg rice each. Those who study in government schools received 3 kg each.

#Korangani Tea Estate – Wages are paid bi-monthly. Wages were paid to permanent workers on 3rd April and to temporary workers on 4th April for work done on days before lockdown. No wages or ration has been paid for the lockdown period. During the lockdown, rice was received from cooperative store.

#Rajgarh TE – Wages are bi-monthly. Wages and ration were provided on 28th March for work done on days before lockdown. During the lockdown, rice was provided from the cooperative store. Those families without ration card have not received any benefits.

#Amulya TE – Wages are paid bi-monthly. Wages were paid on 28th March for work done before lockdown. But no ration was provided. No payment has been made for the two days of lockdown.

As per information received from the ground, no payments have been made by the companies for the period of lockdown and this is just an example. The scenario is the same across Assam. Hence, it is our humble request before the Government to take appropriate action against the managements for violating its orders and further to take necessary steps to ensure provision of wages and ration to the tea garden workers.

To make the lockdown a success, it is, therefore, necessary to release the payments and ration items to workers immediately so that they are saved from dying in starvation. Also, it is requested to sanitize the gardens and the residential lines.

With due respect and regards,
Bibek Das (President)
Jiten Tanti (General Secretary)
Central Committee
Assam Sangrami Chah Shramik Sangha

(True copy)