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THE PRICE OF YOUR CUP OF TEA:
HUMAN RIGHTS VIOLATIONS IN INDIA'S
TEA PLANTATIONS

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Grown mainly in tropical and subtropical regions, tea has been traded around the world since the sixteenth century—and is now the most consumed drink after water. With 1,614 tons per year, China is the largest consumer worldwide, while India, Turkey, Pakistan, Russia, and the United Kingdom are amongst the major consumers.² But do you know who is behind your cup of tea?³

After China, India is the world's second largest producer of tea. Employing 1.2 million people, of whom 70% are women, the tea industry is India's second largest employer in the organized sector. West Bengal and Assam generate 70% of production. The story of India's tea plantations dates back to the late nineteenth century, when thousands of landless people and poverty stricken peasants from India's indigenous communities were recruited by colonial planters to work on often very isolated, so-called tea 'gardens'. Workers' mobility was heavily restricted, and the relationship between the planters and workers was characterized as 'master and servant' rather than employer and employee. No laws were in place to regulate plantation laborers' work hours, nor the working and living conditions.⁴ Without any alternative means for livelihood, they were tied to the gardens, generation after generation.

Little has changed since then. By enacting the Plantation Labor Act (PLA) in 1951, in reality, India formalized this system of extreme dependency instead of responding to the structural causes of the plight of tea plantation workers. Media exposures have repeatedly highlighted the poor working and living conditions on India's tea plantations over the years, yet the tea workers' situation continues to be characterized by poverty wages, gender discrimination and a lack of access to a basic standard of living.⁵ This denies them their human right to adequate food and nutrition and other related human rights.⁶

In order to investigate the human rights situation of tea workers, the Global Network for the Right to Food and Nutrition⁷ conducted its first ever Fact-Finding Mission (hereinafter, the Mission) in India in late 2015. Various of its member organizations—the International Union of Food Workers (IUF), FIAN International, the Right to Food Campaign in India, and the International Baby Food Action Network (IBFAN)—visited 17 plantations in West Bengal and Assam and interviewed 300 workers, along with representatives from Paschim Banga Khet Majoor Samity (PBKMS) and the Pesticides Action Network (PAN).

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Special thanks to Yifang Tang and Denise Córdova (FIAN International), as well as Biraj Patnaik (Office of the Commissioners to the Supreme Court of India) for their support in reviewing this article. This article was originally written in English.

2 FAO. *World Tea Production and Trade Current and Future Development*. Rome: FAO, 2015. p. 6. Available at: www.fao.org/3/a-i4480e.pdf.

3 This article is based on: FIAN International; The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF); Right to Food Campaign in India and Paschim Banga Khet Majoor Samity (PBKMS). *A Life without Dignity – The Price of Your Cup of Tea*. June 2016. Available at: www.fian.org/fileadmin/media/publications/2016/FFMReport_June_2016.pdf.

4 Bhowmik, Sharit. *Class Formation in the Plantation System*. New Delhi: People's Publishing House, 1981.

The Mission's final report,⁸ published on International Labor Day in 2016, unveils shocking realities. Across all tea plantations visited, widespread violations of the human right to food and nutrition and related human rights were identified. These were directly linked to poor working conditions, poverty wages, and a general lack of access to basic housing, electricity, water and sanitation as well as child and health care—all compounded by pervasive gender discrimination and insecurity of tenure, and in contrary to provisions set by the PLA. The situation in West Bengal was of particular concern: In one garden that was abandoned by its owners, workers were left without pay or rations and starvation deaths have occurred.

Visiting workers' housing in the labor lines one is struck by how transient their housing appears to be—even when families have been living there for generations. The houses are basic constructions of mud and wood with tin or straw roofs. Inside the dark, small rooms there are few possessions: a cooking pot, a bag of rice, some flour, a line of string with some clothing hung over it, and sleeping mats folded neatly in the corner. The Mission concluded that a lack of security of tenure over their housing increased their vulnerability. Indeed, the land on which their home is built is controlled by management; as a result, workers continue to work under appalling conditions so as to be able to maintain a home for their family.

In view of the dire situation, the Global Network for the Right to Food and Nutrition calls upon the Government of India to:

- Take immediate actions to guarantee all human rights of tea workers, specifically the rights to food and nutrition, housing, water and education;
- Pay urgent attention to closed tea gardens and ensure immediate support to those at risk of starvation;
- Take immediate actions to guarantee all women's human rights; and
- Ensure that any decisions in relation to the future of tea gardens, including any structural alternatives to the present situation, are taken with the involvement and participation of the concerned tea workers.

Nevertheless, it is important to note that not all tea workers are passive victims of their situation: Many workers are organizing and fighting for their rights. For instance, having received support from IUF, women workers in the tea sector in West Bengal have succeeded in claiming their rights after three years of struggle. In 2012, workers came out on strike in defense of a colleague who was denied medical treatment when she was seven and half months pregnant. The company locked them out in an attempt to starve them back to work. However, the women fought on and as a result gained improved access to their maternity rights, better crèches and better school transport.⁹ Workers are now building a democratic union that can negotiate on their behalf.¹⁰ Another example—in Kerala—illustrates how women tea workers organized themselves to fight for and win a wage increase and to challenge their male-dominated union.¹¹

The ongoing human rights violations in India's tea plantations are an expensive price to pay for a cup of tea. Yet, the struggle for the progressive realization of the right to food and nutrition is strengthened when tea plantation workers themselves call for changes and demand their rights. The Global Network for the Right to Food and Nutrition will continue to support their struggle.

5 For more information, please see: Rowlatt, Justin, and Jane Deith. "The bitter story behind the UK's national drink." *BBC News*, September 8, 2015. Available at: www.bbc.com/news/world-asia-india-34175552.

Please also see: Chamberlain, Gethin. "India's tea firms urged to act on slave trafficking after girls freed." *The Guardian*, March 1, 2014. Available at: www.theguardian.com/world/2014/mar/01/india-tea-firms-urged-tackle-slave-traffic-plantations.

6 For more information on tea plantations, please see: Roman Herre et al., *Harvesting Hunger—Plantation workers and the right to food*. Aachen: MISEREOR, 2014. Available at: www.iuf.org/w/sites/default/files/2014%20Harvesting%20Hunger.pdf. Please also see: Columbia Law School Human Rights Institute. "The more things change..." *The World Bank, Tata and Enduring Abuses on India's Tea Plantations*. Columbia Law School, 2014. Available at: web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/tea_report_final_draft-smallpdf.pdf.

7 The Global Network for the Right to Food and Nutrition, launched in 2013, currently comprises over 30 public interest civil society organizations and social movements working for the realization of the human right to adequate food and nutrition. The Network opens a space for dialogue and mobilization of its members to hold states accountable for their obligation to realize the right to food and nutrition. It supports the struggles of social movements and groups that, as a result of standing up to violations of these rights, may suffer from repression, violence, and criminalization. Additionally, the Network works towards ending the impunity of State-condoned human rights violations and of human rights abuses by non-state actors. For more information, please visit www.righttofoodandnutrition.org.

8 *Supra* note 3.

9 IUF. "Union wins new gains for Tata/Tetley West Bengal Tea Workers." May 13, 2012. Available at: cms.iuf.org/?q=node/1675.

10 For more information on the workers' *Charter of Demands*, please see: *Supra* note 3. Annex 5.

11 Jayaseelan, Raj. "The women strike back: the protest of Pembillai Orumai tea workers." *Open Democracy*, February 4, 2016. Available at: www.opendemocracy.net/beyondslavery/jayaseelan-raj/women-strike-back-protest-of-pembillai-orumai-tea-workers.