

Date: 8 March 2016

Subject: West Bengal tea gardens - continued hunger - abysmal state function - series of deaths -

To

The Chairman

National Human Rights Commission

Manav Adhikar Bhawan,

Block-C, GPO Complex, INA,

New Delhi-110023

Respected Sir,

I wish to bring your kind attention over the plight of the workers of Bagrakota tea garden for your perusal and necessary actions. MASUM has taken an initiative to reveal the overall situation of mal-nourishment, lack of governmental deliverances and resulted diseases and deaths of marginalized populace due to hunger and the uncaring attitude of administration and owners of the garden.

The picturesque tea gardens in Dooars and Terai region of North Bengal produces the best quality of tea. The tea workers pluck to produce the finest and the most expensive teas in the world from this region. But, the tea workers of Bagrakota tea garden are not a happy, with low wages, poor quality rations and inadequate medical facilities. The tea garden is owned by Duncans Group, Kolkata. Things were never this bad. But few months ago this estate was closed when the owner packed up abruptly leaving unpaid salaries and left the workers with no alternative employment. Tea workers are left to rot in the darkness; death and disease have now become a part of the workers quarters. Workers claim that starvation and malnutrition have claimed lives in the last few months since the gardens closed down.

On 7th March 2016, in pending case (WP 1897 / 2016 & WP 2105 / 2016) Mr. Justice Sanjib Banerjee of Calcutta High Court while hearing the matters relating to closed tea gardens of Duncans Group passed remark that the Union and State governments are politicizing the issue but not intend to solve the issue of workers' due wages.

MASUM fact finding team visited at Bagrakote tea garden (nearly 35 km from Siliguri) of **Malbazar sub-division** in Jalpaiguri district, West Bengal to take stock of the alleged malnourishment led deaths of workers and conducted survey among the worker families of the said tea garden to unfold the present situation of the workers where a garden worker had died of suspected lack of treatment and malnutrition on 29th October, 2015.

Members of the team visited worker houses to collect information over the issue of malnutrition and health condition of the workers and the findings were shocking. Weeds are now infesting the tea bushes, buildings are abandoned, and tea workers (mostly Schedule Caste *Adivasis*) said "we have been slowly dying because we are not eating enough food". Because of surviving on half-meals for the past few months, hundreds of them have been suffering from malnutrition and this is leading to diseases like tuberculosis, bronchitis, anemia, hepatitis, rickets, rheumatism and diabetes etc.

When team members visited at Purnima Oraon's (aged 65 years) house it was obvious that she had to make an enormous effort just to get to the front door. A severe deficiency of iron has made her joints swell and she can hardly walk. She can solely stroll now with the assistance of a stick that towers over her frail 5-ft body. She is a tuberculosis patient. Her sons are regularly being sick, after the garden was closed. The doctor's

advice her to eat more green vegetables but she cannot afford to buy them. She said, "I have to rely on my younger son now, he try to earn money by any opportunity."

The team again visited the tea garden on 28.01.2016 after getting information of starvation deaths at Bagrakota tea garden. The fact finding team met with relatives of the deceased to reveal the incident.

Case no-1

The team interacted with deceased's wife, Ms. Rekha Oraon regarding death of her husband Kastoo Oraon. At the time of describing her gloomy experience with our team tears welled up in her eyes; her husband Kastoo Oraon son of late Manoo Oraon **aged about 56 years** died at North Bengal Medical College and Hospital on 24.01.2016 at 2. 40 AM, due to malnourishment. But district administration denied starvation or malnourishment as the cause of death. Kastoo Oraon lived with his wife and children at their quarter part no. 20/22/14 of Bagrakota tea garden. After said tea garden was declared closed and abandoned by the management in April, 2015, he forced to **move to Kerala to earn his living as a labourer**. Kastoo Oraon worked there more than 12 hours a day, alike other labourers but the earning was minimal to sustain. He became sick and forced to return back his home on 12th December, 2015. After his return, he had no source of income and there was no foodstuff available in their house to eat. The hapless family could not meet the expense of half day meal and forced to starve. He gradually became weak. On 23.01.2016 he went out his home to his elder brother's house in order to borrow money. On his way, he felt sick and fainted on the road. On the same day, the relatives brought him immediately to local quack without any option for professional doctor, but, no medical treatment was administered. After primary check up the quack advised the relatives of the victim to admit him at any hospital having proper facilities for further treatment as his health condition was critical. Then, he was brought to Shanti Nursing Home at Siliguri. But the said nursing home demanded Rs. 5000/- for his treatment. But the family had no money to fulfill the demand of nursing home authorities and shifted Kastoo Oraon to North Bengal Medical College and Hospital (being registration no- 04322, Ward no.-MM1) on 24.01.2016. Kastoo Oraon allegedly died there without any treatment. In medical certificate issued by the said Government Hospital, they mentioned that he was died due to **Intra Cerebral ... Hemorrhage** His widow, Rekha Oraon, is now taking care of three daughters; Ms. Asha Oraon, Ms. Usha Oraon and Ms. Dipa Oraon, granddaughter Ms. Stiphen Oraon and one son Mr. Kiran Oraon, one of whom is physically challenged. They now contribute in family expenses by crushing stones at a nearby quarry.

On 29/01/2016, Ms. Rekha Oraon, wife of the deceased made a written complaint to Sub-Divisional Officer, Malbazar, Jalpaiguri in which she described whole incident and requested to provide financial assistance so that she can foster her family.

Case no-2

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At about 2.25 am on January 26, 2015, Sushma Tigga, daughter of Mr. Nirmal Tigga, aged about 30 years passed away due to anemia with septicemia at North Bengal Medical College and Hospital (being registration no 03848, Ward no.-FMW). She died because she received no treatment from the garden's hospital for the continuous stomach pain she was suffering from 15-20 days before her death.the administration maintained that the deaths were caused by prolonged illness.

It is revealed during the fact finding that Mr. Nirmal Tigga is a clerical staff at Bagrakota tea garden which is closed since April, 2015. He has not received any wages and fringe benefits from the tea garden and administration over the past 11 months. Mr. Nirmal Tigga has a big family consist of his wife Ms. Binji Tigga, two daughters, namely Sushma Tigga (deceased) and Ms. Manjusha Tigga, three sons namely Mr. Kishore Tigga, Mr. Pranam Tigga, and Mr. Martin Tigga, his mother Ms. Basanti Tigga, daughter-in-law Ms. Manja Tigga, grandson Mr. Rayan Tigga. They are living with utter frustration as Mr. Kishore Tigga is only

employed at Para-military forces but other **two sons are unemployed**. Mr. Nirmal Tigga has been suffering from **Kidney failure** (both) and is being undergone on routine dialysis for last eighteen months. He already spent his last penny for his dialysis; no money was left for further treatment. He completely stopped his treatment due to paucity of money. Moreover, his wife has a problem of loss of vision with acute pain. She was taken to Ahmedabad for eye treatment but her treatment was forced to stop in the middle as the treatment incurred lots of money.

The hapless man has been knocking the door of the authorities but, he did not get any help due to unresponsive attitude of the authorities. On 12/02/2016 he submitted a written complaint to the Sub-Divisional Officer, Malbazar, Jalpaiguri and District Magistrate, Jalpaiguri for financial assistance.

According to survey, a prime cause of chronic starvation deaths in the garden is also linked closely with the sources of food and nutrition, which are seriously compromised in these communities due to non-availability of nutritious and diverse food products along with poor sanitation. None of them receive any benefits such as subsidised rations or have safe drinking water facilities or even toilets. As a result, limited intake of food along with poor hygiene has led to severe malnutrition, jeopardizing their health. Most of the workers have been spending their life in a moribund condition and do not have enough money to seek proper medical treatment.

One of the community leaders at Bagrakota tea garden, Mr. Lonentos Lakra, said that workers want to work, and they're desperate for administrative assistance. He further added, "Due to non-availability of food; workers started falling sick," He puts most of the blame on the owners who abandoned the tea estate and ignored the rights of the workers and their families. One senior worker, who wishes to hide his name, said "The owner of the tea estate shares a special rapport with ruling party." He also added "the garden owner is shutting down their unit showing false losses. And in doing so they are taking the help of the local ruling party leaders whose palms they are greasing."

While interacted with panchayat members, they said: "They helplessly saw the death of their close relatives, including their parents. The situation is so pathetic, but the state has not yet taken proper steps."

Further, the insensitive attitude of administration has had an adverse effect on the people whose livelihood revolves around this garden. The tea garden management has failed to run the operations and pay the workers their wages. Management of Bagrakota tea garden, some of whom occasionally visit the garden, refused to speak to this fact finding team over the starvation death despite repeated attempts.

In Bagrakota tea garden the management provides concessional foodstuff as part of the workers' wages. However, after the closure or abandoning of the tea plantations, there was absolutely no food available for the workers. Some workers survived by selling their household items and by crushing stones, but many of them are starving and consequently suffering from acute malnutrition. The condition of the aged, women children and the ailing is the worst. In order to survive, some of the workers consumed any food that was available and cheap, resulting in chronic under nourishment or food poisoning and slow death.

As the electricity supply to the closed or abandoned tea estate has been disconnected, **drinking water, which was supplied by the garden management to the worker households from common water tanks, has been completely stopped**. Most of the workers fetched drinking water from the streams in the hilly areas. These streams are polluted because of the presence of dolomite. The same source of water is also being used by the workers to cremate their dead. A sample of water that was being consumed by the workers in Bagrakota Tea Garden was checked by the Fact Finding Team. The report found the water highly contaminated and unfit for drinking.

Workers do not have access to basic sanitation facilities; household wastewater has been stored unknowingly

here and there inside quarter compound and has a chance to contaminate soil that may cause water-borne diseases. According to fact finding team, poor waste disposal facilities at the workers quarter may be responsible for infectious diseases and that may outbreak any time at the tea garden. Latrines can be used to reduce the transmission of many diseases, but proper latrine is hardly available inside the quarter.

.... As stated before even for basic medical attention the villagers depend primarily on mobile health camps organised by urban NGOs functioning on a weekly basis, or travelling a long distance to the nearest Medical Health Centre. They largely depend on city hospitals at Siliguri nearly 35 km far from there. There are no ambulances available to take the seriously ill or injured workers for advanced medical care to the city hospitals. There are many cases of women workers dying during childbirth. There is hardly any medicine left at the estate hospital now and the inexperienced nurses are attending complicated delivery cases using kerosene lamps as the electricity connections have been cut off. In Bagrakota tea garden, there are ambulances, but are stationary, as there is no fuel available.

The permanent workers in the tea plantations of West Bengal are mostly women, because they usually do most of the plucking work. As the main wage earners, women workers are under tremendous pressure. They are not in a position to join other income earning activities due to an absence of alternate employment opportunities and unfavourable conditions for migrating long distances in search of alternate opportunities of work. The fact finding team came across many households where only the woman worker was staying at the tea plantations. They could not leave the security of the line room, which was allotted to them and where they had been staying for generations. It was reported that many women workers had died due to pregnancy related complications. Some fortunate women had been shifted to the city hospital in good vehicles by the workers who pooled in money to help them out, but such cases were rare.

Most of the children in the tea plantations of the tea garden stopped going to school. Instead they were cooking food and carrying it for their parents who were **crushing stones in the dry riverbeds**. The fact finding team also witnessed many children crushing stones alongside their parents to augment the family income.

The wages of the tea garden are one of the lowest in the organised sector alike other tea gardens in Torai and Dooars region of West Bengal. The workers barely manage to survive with the paltry daily wages. After April 2015, wage payment and disbursement of bonus was completely stopped at Bagrakote.

Tea garden workers are deprived of getting benefit from different schemes of the Government such as National Rural Employment Guarantee Act (NREGA), FAWLOI (Financial Assistance to Workers of Locked out Industries) Scheme, National Old Age Pension (NOAP) Scheme, Rajiv Gandhi Shramik Kalyan Yojana, Rajib Gaddhi Village Electrification Scheme, Rajib Gandhi Home Scheme, BPL cards, unemployment allowance etc. There is no implementation of the National Food Security Act in Bagrakota tea garden. The permanent workers are considered as industrial workers and, hence, most of them are listed in APL category and not eligible for Indira Awas Yojana.

A large number of adult men who worked the tea garden have been forced to look elsewhere, moving to different state and cities for work while leaving their families behind. A section of workers, particularly those who are old, is forced to stay back in the tea estates. But they are somehow managing to survive there and can save little or no money to send back home to their starving families. The remaining population is working for pittance wages in stone collection and stone breaking, mainly in the river beds.

According to fact finding team, young girls and boys are being trafficked to other state for home assist and exploited. The young women are handed over to the flesh trade in red light areas by traffickers.

Tea workers spend their entire lives among the tea bushes at Bagrakota Tea Garden that is now closed. In fact, tea is their life. Joblessness not only affects the person who loses the job, it affects the family as a whole, including kids. With no alternative jobs or income, it is a daily struggle to survive.

Workers are dying on closed and ailing tea garden as the relief or dole provided by administration and few civil society organizations are inadequate. Either state or central government has not embarked upon new proposal to resolve the issue and save the lives of the thousands of marginalized people facing starvation like situation. The issue gets consistently politicized, but there haven't been much political efforts to mitigate the problem.

Hence I request for:-

- Reopen the shutdown tea garden and pay the dues of the workers. Backlog of unpaid Provident fund and gratuity should be cleared without delay.

Provide sufficient food grains for closed tea garden workers compulsorily as there is starvation or malnutrition death cases. It can be done under food security act also.

Implementation of Minimum Wage Act, 1948 for Tea workers in the closed Tea Garden.

- Provide facilities according to the Tea Plantation Act 1951, including basic health care, ensure food security and education facilities.
- Bring Tea workers under BPL category and provide all social security benefits and other livelihood facilities.
- Most of the tea workers in the tea garden are Adivasis (Aborigines)....
 - Extend all medical facilities including mobile hospitals for tea garden workers and their families
- Supply of safe drinking water and electricity must be ensured for the tea garden workers
- Sanitation system must be improved at the workers quarter; the full health benefits will not be realized without proper use and maintenance of the sanitation
- Subsidy food grain should be provided as rationing facility is bare minimum there
 - Old age pension and Widow Pension scheme to be applied and implemented for all tea garden workers.

Thanking You,
Yours sincerely,

MASUM



No. 2568/16
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Form-6 [Rule 9 of the W. B. R. B. D. Rule 2000]
(ফর্ম-৬) পশ্চিমবঙ্গ জন্ম-মৃত্যু পঞ্জিকরণ বিধি, ২০০০ এর ৯ নং বিধি
Govt. of West Bengal Department of Health & Family Welfare
(পশ্চিমবঙ্গ সরকার, স্বাস্থ্য ও পরিবার কল্যাণ দপ্তর)

Name of the Organisation issuing Certificate
(যে দপ্তর কর্তৃক প্রমাণ পত্র দেওয়া হচ্ছে তার নাম)

DEATH CERTIFICATE
(মৃত্যু প্রমাণ পত্র)

(Issued u/s. 12/17 of the RBD Act. 1969 and Rule 9/14 of the WBRBD Rules 2000)
(১৯৬৯ সনের জন্ম-মৃত্যু পঞ্জিকরণ আইনের ১২/১৭ ধারা এবং পশ্চিমবঙ্গ জন্ম-মৃত্যু পঞ্জিকরণ বিধি ২০০০ এর ৯/১৪ বিধি অনুযায়ী প্রদত্ত)

This is to certify that the following information has been taken from the original record of death which is in the register for (Local Area) N. B. M. O. & Hospital of P.S. / Block District of West Bengal.

ইহা নিশ্চিতভাবে প্রত্যক্ষ করা হইতেছে যে নিম্নবর্ণিত বিবরণী মূল মৃত্যু নথি হইতে লওয়া হইয়াছে, উক্ত নথি পশ্চিমবঙ্গ রাজ্যের..... জেলার..... থানার রেকর্ডের অন্তর্ভুক্ত (স্থানীয় এলাকা)

মৃত্যু রেজিস্টারে লিপিবদ্ধ আছে।

Name of the deceased : Kastoo Oraon Sex (Male/Female) Male 56yrs Age
(মৃত ব্যক্তির নাম) (লিঙ্গ (পুং / মহিলা) (বয়স))

Date of death : 24-01-2016 Place of Death N. B. M. O. & Hospital
(মৃত্যুর তারিখ) (মৃত্যুর স্থান)

Name of mother of the deceased :
(মৃত ব্যক্তির মাতার নাম)

Name of Father / Husband of the deceased : Lt Manoo Oraon
(মৃত ব্যক্তির পিতা / স্বামীর নাম)

Address of the deceased at the time of Death :
(মৃত্যুর সময় মৃত ব্যক্তির ঠিকানা)

Permanent Address of the deceased : Baganpote, T.G. P. Baganpote, Mal, Jalpaiguri
(মৃত ব্যক্তির স্থায়ী ঠিকানা)

Registration No. 385/16 Date of Registration :
(পঞ্জিকরণ নং) (পঞ্জিকরণের তারিখ)

Remarks (if any)
মন্তব্য (যদি থাকে)

REGISTRAR & MO-IC
MEDICAL RECORDS DEPT
Signature of Issuing authority With date, Address & Seal
(তারিখ ঠিকানা ও সিলমোহর সহ প্রদানকারী কর্তৃপক্ষের স্বাক্ষর)

DEATH CERTIFICATION

Name of Hospital NORTH BENGAL MEDICAL COLLEGE AND HOSPITAL
Address SUSHRUTANAGAR, MSE-DARJEELING

Certified that SUSHMA TIGGA (Patient's Reg. NO.) 03843 Age 30yrs Sex Female
S/W/D of ASHOK TIRKLY

Religion HINDU was admitted to this hospital on 21/1/16 and expired on 26/1/16 at 2:25 AM
due to : Left axillary SOL, Anaemia with Septicemia.

Patient's Address : BAKRA CODE TG
PO-BAKRA CODE TG
P.S-MAL P.S DIST-JALPAIGURI

Signature of Doctor : DR. TAPAS SARX
(In Block)
Designation : PbT
Registration No. : 26/1/16

Countersigned
Signature of Medical Officer : LA
Full Name : 24/1/16
Designation :
Registration No. :

(MASUM)

Web: www.masum.org.in