THE PLANTATIONS LABOUR ACT, 1951

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THE PLANTATIONS LABOUR ACT, 1951

ACT NO. 69 OF 1951[1]

[2*nd November*, 1951.]

An Act to provide for the welfare of labour, and to regulate the conditions of work, in plantations.

BE it enacted by Parliament as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent, commencement and application.—(*1*) This Act may be called the Plantations Labour Act, 1951.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir*.

(*3*) It shall come into force on such date[2] as the Central Government may, by notification in the Official Gazette, appoint

[3][(*4*) It applies to the following plantations, that is to say,—

(*a*) to any land used or intended to be used for growing tea, coffee, rubber [4][, cinchona or cardamom] which admeasures [5][5 hectares] or more and in which [6][fifteen] or more persons are employed or were employed on any day of the preceding twelve months;

(*b*) to any land used or intended to be used for growing any other plant, which admeasures [6][5 hectares] or more and in which [7][fifteen] or more persons are employed or were employed on any day of the preceding twelve months, if, after obtaining the approval of the Central Government, the State Government, by notification in the Official Gazette, so directs.

[7][*Explanation*.—Where any piece of land used for growing any plant referred to in clause (*a*) or clause (*b*) of this sub-section admeasures less than 5 hectares and is contiguous to any other piece of land not being so used, but capable of being so used, and both such pieces of land are under the management of the same employer, then, for the purposes of this sub-section, the piece of land first mentioned shall be deemed to be a plantation, if the total area of both such pieces of land admeasures 5 hectares or more.]

(*5*) The State Government may, by notification in the Official Gazette, declare that all or any of the provisions of this Act shall apply also to any land used or intended to be used for growing any plant referred to in clause (*a*) or clause (*b*) of sub-section (*4*), notwithstanding that—

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1. The Act comes into force in Pondicherry on 1-10-1963 by Reg. 7 of 1963, s. 3 and Sch. I. The Act has been amended in Kerala by Kerala Act 25 of 1969.
2. 1st April, 1954: *see* S.R.O. 880 dated 6th March, 1954, Gazette of India, 1954, Pt. II, Sec. 3, p. 530
3. Subs. by Act 34 of 1960, s. 2, for sub-section (*4*) (w.e.f. 21-11- 1960).
4. Subs. by Act 58 of 1981, s. 2, for "or cinchona" (w.e.f. 26-1- 1982).
5. Subs. by s. 2, *ibid.*, for "10.117 hectares" (w.e.f. 26-1-1982).
6. Subs. by s. 2, *ibid.*, for "thirty" (w.e.f. 26-1-1982).
7. Ins. by s. 2, *ibid.* (w.e.f. 26-1-1982).

*. *Vide* notification No. S.O. 3912(E), dated 30th October, 2019, this Act is made applicable to the Union territory of Jammu and Kashmir and the Union territory of Ladakh.

(*a*) it admeasures less than [1][5 hectares], or

(*b*) the number of persons employed therein is less than [2][fifteen]:

Provided that no such declaration shall be made in respect of such land which admeasured less than [1][5 hectares] or in which less than [2][fifteen] persons were employed, immediately before the commencement of this Act.]

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "adolescent" means a person who has completed his [3][fourteenth] year but has not completed his eighteenth year;

(*b*) "adult" means a person who has completed his eighteenth year;

(*c*) "child" means a person who has not completed his [3][fourteenth] year;

(*d*) "day" means a period of twenty-four hours beginning at midnight;

(*e*) "employer" when used in relation to a plantation, means the person who has the ultimate control over the affairs of the plantation, and where the affairs of any plantation are entrusted to any other person (whether called a managing agent, manager, superintendent or by any other name) such other person shall be deemed to be the employer in relation to that plantation;

[4][*Explanation*.—For the purposes of this clause, "the person who has the ultimate control over the affairs of the plantation" means in the case of a plantation owned or controlled by—

(*i*) a company, firm or other association of individuals, whether incorporated or not, every director, partner or individual;

(*ii*) the Central Government or State Government or any local authority, the person or persons appointed to manage the affairs of the plantation; and

(*iii*) a lessee, the lessee;]

[5][(*ee*) "family", when used in relation to a worker, means—

(*i*) his or her spouse, and

(*ii*) the legitimate and adopted children of the worker dependent upon him or her, who have not completed their eighteenth year,

[6][and includes parents and widow sister, dependent upon him or her;]

[7][(*eee*) "inspector" means an inspector of plantations appointed under sub-section (*1*) of section 4 and includes an additional inspector of plantations appointed under sub-section (*1A*) of that section;]

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1. Subs. by Act 58 of 1981, s. 2, for "10.117 hectares" (w.e.f. 26-1-1982).
2. Subs. by s. 2, *ibid.*, for "thirty" (w.e.f. 26-1-1982).
3. Subs. by Act 61 of 1986, s. 24, for "fifteenth" (w.e.f. 23-12-1986).
4. Ins. by Act 17 of 2010, s. 2 (w.e.f. 7-6-2010).
5. Ins. by Act 34 of 1960, s. 3 (w.e.f. 21-11-1960).
6. Subs. by Act 17 of 2010, s. 2, for certain words (w.e.f. 7-6-2010).
7. Ins. by Act 58 of 1981, s. 3 (w.e.f. 26-1-1982).

[1][(*f*) "plantation" means any plantation to which this Act, whether wholly or in part, applies and includes offices, hospitals, dispensaries, schools, and any other premises used for any purpose connected with such plantation, but does not include any factory on the premises to which the provisions of the Factories Act, 1948 (63 of 1948) apply;]

(*g*) "prescribed" means prescribed by rules made under this Act;

[2][(*h*) "qualified medical practitioner" means a person holding a qualification granted by an authority specified or notified under section 3 of the Indian Medical Degrees Act, 1916 (7 of 1916), or specified in the Schedules to the Indian Medical Council Act, 1956 (102 of 1956), and includes any person having a certificate granted under any Provincial or State Medical Council Act;]

(*i*) "wages" has the meaning assigned to it in clause (*h*) of section 2 of the Minimum Wages Act, 1948 (11 of 1948);

(*j*) "week" means a period of seven days beginning at mid-night on Saturday night or such other night as may be fixed by the State Government in relation to plantations in any area after such consultation as may be prescribed with reference to the plantations concerned in that area;

[3][(*k*) "worker" means a person employed in a plantation for hire or reward, whether directly or through any agency, to do any work, skilled, unskilled, manual or clerical [4][and includes a person employed on contract for more than sixty days in a year], but does not include—

(*i*) a medical officer employed in the plantation;

(*ii*) any person employed in the plantation (including any member of the medical staff) whose monthly wages exceed [5][rupees ten thousand];

(*iii*) any person employed in the plantation primarily in a [6][managerial or administrative capacity, notwithstanding that his monthly wages do not exceed ten thousand]; or

(*iv*) any person temporarily employed in the plantation in any work relating to the construction, development or maintenance of buildings, roads, bridges, drains or canals;]

(*l*) "young person" means a person who is either a child or an adolescent.

3. Reference to time of day.—In this Act, references to time of day are references to Indian Standard Time being five and a half hours ahead of Greenwich Mean Time:

Provided that for any area in which the Indian Standard Time is not ordinarily observed, the State Government may make rules—

(*a*) specifying the area;

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1. Subs. by Act 34 of 1960, s. 3, for cl. (*f*) (w.e.f. 21-11-1960).
2. Subs. by s. 3, *ibid*., for cl. (*h*) (w.e.f. 21-11-1960).
3. Subs. by s. 3, *ibid.*, for cl. (k) (w.e.f. 21-11-1960).
4. Ins. by Act 17 of 2010, s. 2 (w.e.f. 7-6-2010).
5. Subs. by s. 2, *ibid*., for "rupees seven hundred and fifty" (w.e.f. 7-6-2010).
6. Subs. by s. 2, *ibid*., for "managerial capacity, notwithstanding that his monthly wages do not exceed rupees seven hundred and fifty" (w.e.f. 7-6-2010).

(*b*) defining the local mean time ordinarily observed therein; and

(*c*) permitting such time to be observed in all or any of the plantations situated in that area.

[1][CHAPTER IA

REGISTRATION OF PLANTATIONS

3A. Appointment of registering officers.—The State Government may, by notification in the Official Gazette,—

(*a*) appoint such persons, being Gazetted Officers of Government, as it thinks fit, to be registering officers for the purposes of this Chapter, and

(*b*) define the limits within which a registering officer shall exercise the powers and discharge the functions conferred or imposed on him by or under this Chapter.

3B. Registration of plantations.—(*1*) Every employer of a plantation, existing at the commencement of the Plantation Labour (Amendment) Act, 1981 (58 of 1981) shall, within a period of sixty days of such commencement, and every employer of any other plantation coming into existence after such commencement shall, within a period of sixty days of the coming into existence of such plantation, make an application to the registering officer for the registration of such plantation:

Provided that the registering officer may entertain any such application after the expiry of the period aforesaid if he is satisfied that the applicant was prevented by sufficient cause from making the application within such period.

(*2*) Every application made under sub-section (*1*) shall be in such form and shall contain such particulars and shall be accompanied by such fees as may be prescribed.

(*3*) After the receipt of an application under sub-section (*1*), the registering officer shall register the plantation.

(*4*) Where a plantation is registered under this section, the registering officer shall issue a certificate of registration to the employer thereof in such form as may be prescribed.

(*5*) Where, after the registration of a plantation under this section, any change occurs in the ownership or management or in the extent of the area or other prescribed particulars in respect of such plantation, the particulars regarding such change shall be intimated by the employer to the registering officer within thirty days of such change in such form as may be prescribed.

(*6*) Where as a result of any intimation received under sub-section (*5*), the registering officer is satisfied that the plantation is no longer required to be registered under this section, he shall, by order in writing, cancel the registration thereof and shall, as soon as practicable, cause such order to be published in any one newspaper in the language of, and having circulation in, the area where the plantation is situated.

3C. Appeals against orders of registering officer.—(*1*) Any person aggrieved by the order of a registering officer under sub-section (*6*) of section 3B may, within thirty days of the publication of such order in the newspaper under that sub-section, prefer an appeal to such authority as may be prescribed:

1. Ins. by Act 58 of 1981, s. 4 (w.e.f. 26-1-1982).

Provided that the appellate authority may entertain an appeal under this sub-section after the expiry of the aforesaid period if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within such period.

(*2*) After the receipt of an appeal under sub-section (*1*), the appellate authority may, after giving the appellant, the employer referred to in sub-section (*5*) of section 3B and the registering officer an opportunity of being heard in the matter, dispose of the appeal as expeditiously as possible.

3D. Power to make rules.—(*1*) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Chapter.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the form of application for the registration of a plantation, the particulars to be contained in such application and the fees to be accompanied along with such application;

(*b*) the form of the certificate of registration;

(*c*) the particulars regarding any change in respect of which intimation shall be given by the employer to the registering officer under sub-section (*5*) of section 3B and the form in which such change shall be intimated;

(*d*) the authority to which an appeal may be preferred under section 3C and the fees payable in respect of such appeal;

(*e*) the registers to be kept and maintained by a registering officer.]

CHAPTER II

INSPECTING STAFF

4. Chief inspector and inspectors.—(*1*) The State Government may, by notification in the Official Gazette, appoint for the State a duly qualified person to be the chief inspector of plantations and so many duly qualified persons to be inspectors of plantations subordinate to the chief inspector as it thinks fit.

[1][(*1A*) The State Government may also, by notification in the Official Gazette, appoint such officers of the State Government or of any local authority under its control, as it thinks fit, to be additional inspectors of plantations for all or any of the purposes of this Act.]

(*2*) Subject to such rules as may be made in this behalf by the State Government, the chief inspector may declare the local area or areas within which, or the plantations with respect to which, inspectors shall exercise their powers under this Act, and may himself exercise the powers of an inspector within such limits as may be assigned to him by the State Government.

(*3*) The chief inspector and all inspectors shall be deemed to be public servants within the meaning of the Indian Penal Code (45 of 1860).

5. Powers and functions of inspectors.—Subject to any rules made by the State Government in this behalf, an inspector may within the local limits for which he is appointed—

(*a*) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and of the rules made thereunder are being observed in the case of any plantation;

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1. Ins. by Act 58 of 1981, s. 5 (w.e.f. 26-1-1982).

(*b*) with such assistants, if any, as he thinks fit, enter, inspect and examine any plantation or part thereof at any reasonable time for the purpose of carrying out the objects of this Act;

(*c*) examine the crops grown in any plantation or any worker employed therein or require the production of any register or other document maintained in pursuance of this Act, and take on the spot or otherwise statements of any person which he may consider necessary for carrying out the purposes of this Act;

(*d*) exercise such other powers as may be prescribed:

Provided that no person shall be compelled under this section to answer any question or make any statement tending to incriminate himself.

6. Facilities to be afforded to inspectors.— Every employer shall afford the inspector all reasonable facilities for making any entry, inspection, examination or inquiry under this Act.

7. Certifying surgeons.—(*1*) The State Government may appoint qualified medical practitioners to be certifying surgeons for the purposes of this Act within such local limits or for such plantation or class of plantations as it may assign to them respectively.

(*2*) The certifying surgeon shall carry out such duties as may be prescribed in connection with—

(*a*) the examination and certification of workers;

(*b*) the exercise of such medical supervision as may be prescribed where adolescents [1][are], employed in any work in any plantation which is likely to cause injury to their health.

CHAPTER III

PROVISIONS AS TO HEALTH

8. Drinking water.—In every plantation effective arrangements shall be made by the employer to provide and maintain at convenient places in the plantation a sufficient supply of wholesome drinking water for all workers.

9. Conservancy.—(*1*) There shall be provided separately for males and females in every plantation a sufficient number of latrines and urinals of prescribed types so situated as to be convenient and accessible to workers employed therein.

(*2*) All latrines and urinals provided under sub-section (*1*) shall be maintained in a clean and sanitary condition.

10. Medical facilities.—(*1*) In every plantation there shall be provided and maintained so as to be readily available such medical facilities for the workers [2][and their families] as may be prescribed by the State Government.

(*2*) If in any plantation medical facilities are not provided and maintained as required by sub-section (*1*) the [3][State Government upon a request by the chief inspector] may cause to be provided and maintained therein such medical facilities, and recover the cost thereof from the defaulting employer.

(*3*) For the purposes of such recovery the chief inspector may certify the costs to be recovered to the collector, who may recover the amount as an arrear of land-revenue.

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1. Subs. by Act 17 of 2010, s. 3, for "and children are, or are to be" (w.e.f. 7-6-2010).
2. Ins. by Act 34 of 1960, s. 4 (w.e.f. 21-11-1960).
3. Subs. by Act 17 of 2010, s. 4, for "chief inspector" (w.e.f. 7-6-2010).

STATE AMENDMENT

Kerala

Amendment of section 10.—In section 10 of the Plantations Labour Act, 1951 (Central Act 69 of 1951), after sub-section (*1*), the following *Explanation* shall be inserted, namely:—

"*Explanation.*—For the purpose of this section, "family", when used in relation to a worker, means—

(*i*) his or her spouse;

(*ii*) mentally retarded children, minor legitimate or adopted son, unmarried legitimate or adopted daughter of the worker dependent upon him or her, and includes the parents of the worker dependent upon him or her.".

[*Vide* Kerala Act 1 of 1999, s. 2.]

CHAPTER IV

WELFARE

11. Canteens.—(*1*) The State Government may make rules requiring that in every plantation wherein one hundred and fifty workers are ordinarily employed, one or more canteens shall be provided and maintained by the employer for the use of the workers.

(*2*) Without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the date by which the canteen shall be provided;

(*b*) the number of canteens that shall be provided and the standards in respect of construction, accommodation, furniture and other equipment of the canteens;

(*c*) the foodstuffs which may be served therein and the charges which may be made therefor;

(*d*) the constitution of a managing committee for the canteen and the representation of the workers in the management of the canteen;

(*e*) the delegation to the chief inspector, subject to such conditions as may be prescribed, of the power to make rules under clause (*c*).

12. Creches.—[1][(*1*) In every plantation wherein fifty or more women workers (including women workers employed by any contractor) are employed or were employed on any day of the preceding twelve months, or where the number of children of women workers (including women workers employed by any contractor) is twenty or more, there shall be provided and maintained by the employer suitable rooms for the use of children of such women workers.

Explanation.—For the purposes of this sub-section and sub-section (*1A*), "children" means persons who are below the age of six years.]

[2][(*1A*) Notwithstanding anything contained in sub-section (*1*), if, in respect of any plantation wherein less than fifty women workers (including women workers employed by any contractor) are employed or were employed on any day of the preceding twelve months, or where the number of children of such

1. Subs. by Act 58 of 1981, s. 6, for sub-section (*1*) (w.e.f. 26-1- 1982).
2. Ins. by s. 6, *ibid.* (w.e.f. 26-1-1982).

women workers is less than twenty, the State Government, having regard to the number of children of such women workers deems it necessary that suitable rooms for the use of such children should be provided and maintained by the employer, it may, by order, direct the employer to provide and maintain such rooms and thereupon the employer shall be bound to comply with such direction.]

(*2*) [1][The rooms referred to in sub-section (*1*) or sub-section (*1A*)] shall—

(*a*) provide adequate accommodation;

(*b*) be adequately lighted and ventilated;

(*c*) be maintained in a clean and sanitary condition; and

(*d*) be under the charge of a woman trained in the care of children and infants.

(*3*) The State Government may make rules prescribing the location and the standards of [1][the rooms referred to in sub-section (*1*) or sub-section (*1A*)] in respect of their construction and accommodation and the equipment and amenities to be provided therein.

13. Recreational facilities.—The State Government may make rules requiring every employer to make provision in his plantation for such recreational facilities for the workers and children employed therein as may be prescribed.

14. Educational facilities.—Where the children between the ages of six and twelve of workers employed in any plantation exceed twenty-five in number, the State Government may make rules requiring every employer to provide educational facilities for the children in such manner and of such standard as may be prescribed.

STATE AMENDMENT

Assam

Amendment of section 14.—In the principal Act, for existing section 14, the following shall be substituted, namely: —

"**14. — Educational Faculties.**—Where the children between the ages of six and fourteen of workers employed in any plantation exceed twenty five in number, the State Government may make rules requiring every employer to provide educational facilities for the children in such manner and of such standard as may be prescribed."

[*Vide* Assam Act 1 of 2018, s. 2.]

[2][**15. Housing facilities**.—It shall be the duty of every employer to provide and maintain necessary housing accommodation—

(*a*) for every worker (including his family) residing in the plantation;

(*b*) for every worker (including his family) residing outside the plantation, who has put in six months of continuous service in such plantation and who has expressed a desire in writing to reside in the plantation:

1. Subs. by Act 58 of 1981, s. 6, for "such rooms" (w.e.f. 26-1-1982).
2. Subs. by s. 7, *ibid*., for section 15 (w.e.f. 26-1-1982).

Provided that the requirement of continuous service of six months under this clause shall not apply to a worker who is a member of the family of a deceased worker who, immediately before his death, was residing in the plantation.]

16. Power to make rules relating to housing.—The State Government may make rules for the purpose of giving effect to the provisions of section 15 and, in particular providing for—

(*a*) the standard and specification of the accommodation to be provided;

(*b*) the selection and preparation of sites for the construction of houses and the size of such plot;

(*c*) the constitution of advisory boards consisting of representatives of the State Government, the employer and the workers for consultation in regard to matters connected with housing and the exercise by them of such powers, functions and duties in relation thereto as may be specified;

(*d*) the fixing of rent, if any, for the housing accommodation provided for workers;

(*e*) the allotment to workers and their families of housing accommodation and of suitable strips of vacant land adjoining such accommodation for the purpose of maintaining kitchen gardens, [1]*** and for the eviction of workers and their families from such accommodation;

(*f*) access to the public to those parts of the plantation wherein the workers are housed.

[2][**16A. Liability of employer in respect of accidents resulting from collapse of houses provided by him**.—(*1*) If death or injury is caused to any worker or a member of his family as a result of the collapse of a house provided under section 15, and the collapse is not solely and directly attributable to a fault on the part of any occupant of the house or to a natural calamity, the employer shall be liable to pay compensation.

(*2*) The provisions of section 4 of, and Schedule IV to, the Workmen's Compensation Act, 1923 (8 of 1923), as in force for the time being, regarding the amount of compensation payable to a workman under that Act shall, so far as may be, apply for the determination of the amount of compensation payable under sub-section (*1*).

16B. Appointment of Commissioners.—The State Government may, by notification in the Official Gazette, appoint as many persons, possessing the prescribed qualifications as it thinks fit, to be Commissioners to determine the amount of compensation payable under section 16A and may define the limits within which each such Commissioner shall exercise the powers and discharge the functions conferred or imposed on him by or under this Act.

16C. Application for compensation.—(*1*) An application for payment of compensation under section 16A may be made to the Commissioner—

(*a*) by the person who has sustained the injury; or

(*b*) by any agent duly authorised by the person who has sustained the injury; or

(*c*) where the person who has sustained the injury is a minor, by his guardian; or

(*d*) where death has resulted out of the collapse of the house, by any dependant of the deceased or by any agent duly authorised by such dependant or, if such dependant is a minor, by his guardian.

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1. Certain words and figures omitted by Act 34 of 1960, s. 5 (w.e.f. 21-11- 1960).
2. Ins. by Act 58 of 1981, s. 8 (w.e.f. 26-1-1982).

(*2*) Every application under sub-section (*1*) shall be in such form and shall contain such particulars as may be prescribed.

(*3*) No application for compensation under this section shall be entertained unless it is made within six months of the collapse of the house:

Provided that the Commissioner may, if he is satisfied that the applicant was prevented by sufficient cause from making the application within the aforesaid period of six months, entertain such application within a further period of six months.

Explanation.—In this section, the expression "dependant" has the meaning assigned to it in clause (*d*) of section 2 of the Workmen's Compensation Act, 1923 (8 of 1923).

16D. Procedure and powers of Commissioner.—(*1*) On receipt of an application under section 16C, the Commissioner may make an inquiry into the matter covered by the application.

(*2*) In determining the amount of compensation payable under section 16A, the Commissioner may, subject to any rules that may be made in this behalf, follow such summary procedure as he thinks fit.

(*3*) The Commissioner shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery and production of any document;

(*c*) receiving evidence on affidavits;

(*d*) requisitioning any public record or copy thereof from any court or office;

(*e*) issuing commissions for the examination of witnesses or documents;

(*f*) any other matter which may be prescribed.

(*4*) Subject to any rules that may be made in this behalf, the commissioner may, for the purpose of determining any claim or compensation, choose one or more persons possessing special knowledge of any matter relevant to the inquiry to assist him in holding the inquiry.

16E. Liability to pay compensation, etc., to be decided by Commissioner.—(*1*) Any question as to the liability of an employer to pay compensation under section 16A, or as to the amount thereof, or as to the person to whom such compensation is payable, shall be decided by the Commissioner.

(*2*) Any person aggrieved by a decision of the Commissioner refusing to grant compensation, or as to the amount of compensation granted to him, or to the apportionment thereof, may prefer an appeal to the High Court having jurisdiction over the place where the collapse of the house has occurred, within ninety days of the communication of the order of the Commissioner to such person:

Provided that the High Court may entertain any such appeal after the expiry of the period aforesaid if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within such period:

Provided further that nothing in this sub-section shall be deemed to authorise the High Court to grant compensation in excess of the amount of compensation payable under section 16A.

(*3*) Subject to the decision of the High Court in cases in which an appeal is preferred under sub-section (*2*), the decision of the Commissioner under sub-section (*1*) shall be final and shall not be called in question in any court.

16F. Saving as to certain rights.—The right of any person to claim compensation under section 16A shall be without prejudice to the right of such person to recover compensation payable under any other law for the time being in force; but no person shall be entitled to claim compensation more than once in respect of the same collapse of the house.

16G. Power to make rules.—(*1*) The State Government may, by notification in the Official Gazette, make rules for giving effect to the provisions of sections 16A to 16F (both inclusive).

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(*i*) the qualifications and conditions of service of Commissioners;

(*ii*) the manner in which claims for compensation may be inquired into and determined by the Commissioner;

(*iii*) the matters in respect of which any person may be chosen to assist the Commissioner under section 16D and the functions that may be performed by such person;

(*iv*) generally for the effective exercise of any powers conferred on the Commissioner.]

17. Other facilities.—The State Government may make rules requiring that in every plantation the employer shall provide the workers with such number and type of umbrellas, blankets, rain coats or other like amenities for the protection of workers from rain or cold as may be prescribed.

18. Welfare officers.—(*1*) In every plantation wherein three hundred or more workers are ordinarily employed the employer shall employ such number of welfare officers as may be prescribed.

(*2*) The State Government may prescribe the duties, qualifications and conditions of service of officers employed under sub-section (*1*).

STATE AMENDMENT

Kerala

Amendment of Section 18.—In Section 18 of the Plantation Labour Act, 1951 (Central Act 69 of 1951) (hereinafter referred to as the principal Act), after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) If in any plantation, welfare officers are not employed as required by the rules made under sub-section (*1*), the chief inspector may appoint the required number of welfare officers and thereupon such officers shall be deemed to have been employed by the employee under sub-section (*1*):

Provided that before appointing welfare officers under this sub-section the employer shall be given an opportunity of being heard."

[*Vide* Kerala Act 25 of 1969, s. 2.]

[1][CHAPTER IVA

PROVISIONS AS TO SAFETY

18A. Safety.—(*1*) In every plantation, effective arrangements shall be made by the employer to provide for the safety of workers in connection with the use, handling, storage and transport of insecticides, chemicals and toxic substances.

(*2*) The State Government may make rules for prohibiting or, restricting employment of women or adolescents in using or handling hazardous chemicals.

(*3*) The employer shall appoint persons possessing the prescribed qualifications to supervise the use, handling, storage and transportation of insecticides, chemicals and toxic substances in his plantation.

(*4*) Every employer shall ensure that every worker in plantation employed for handling, mixing, blending and applying insecticides, chemicals and toxic substances, is trained about the hazards involved in different operations in which he is engaged, the various safety measures and safe work practices to be adopted in emergencies arising from spillage of such insecticides chemicals and toxic substances and such other matters as may be prescribed by the State Government.

(*5*) Every worker who is exposed to insecticides, chemicals and toxic substances shall be medically examined periodically, in such manner as may be prescribed, by the State Government.

(*6*) Every employer shall maintain health record of every worker who is exposed to insecticides, chemicals and toxic substances which are used, handled, stored or transported in a plantation, and every such worker shall have access to such record.

(*7*) Every employer shall provide—

(*a*) washing, bathing and clock room facilities; and

(*b*) protective clothing and equipment,

to every worker engaged in handling insecticides, chemicals or toxic substances in such manner as may be prescribed by the State Government.

(*8*) Every employer shall display in the plantation a list of permissible concentrations of insecticides, chemicals and toxic substances in the breathing zone of the workers engaged in the handling and application of such insecticides, chemicals and toxic substances.

(*9*) Every employer shall exhibit such precautionary notices as may be prescribed by the State Government indicating the hazards of insecticides, chemicals and toxic substances.

STATE AMENDMENT

Kerala

Insertion of new section 18A—After section 18 of the principal Act, the following section shall be inserted, namely: —

"18A. Chief Inspector to provide facilities on default by employer.—

1. Ins. by Act 17 of 2010, s. 5 (w.e.f. 7-6-2010).

(*1*) If in any plantation, facilities are not provided or maintained by the employer as required by section 8 or section 9 or section 12 or section 15 or the rules made under section 11 or section 14 or section 17, the chief inspector may cause to be provided or maintained therein such facilities and recover the cost thereof from the defaulting employer:

Provided that before providing or maintaining such facilities the employer shall be given an opportunity of being heard.

(2) For the purpose of the recovery of the cost under sub-section (*1*) the chief inspector may certify the amount to be recovered to the Collector, who may thereupon recover such amount as an arrear of land revenue.".

[*Vide* Kerala Act 25 of 1969, s. 3]

18B. Power of State Government to make rules.—(*1*) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Chapter.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: **—**

(*a*) the restriction on employment of women and adolescents for handling hazardous chemicals under sub-section (*2*) of section 18A;

(*b*) the qualifications of supervisor appointed under sub-section (*3*) of section 18A;

(*c*) the matters for training of workers under sub-section (*4*) of section 18A;

(*d*) the medical examination of workers under sub-section (*5*) of section 18A;

(*e*) the facilities and equipment to be provided to the workers engaged in handling insecticides, chemicals and toxic substances under sub-section (*7*) of section 18A;

(*f*) the precautionary notices to be exhibited under sub-section (*9*) of section 18A.]

CHAPTER V

HOURS AND LIMITATION OF EMPLOYMENT

19. Weekly hours.—[1][(*1*)] Save as otherwise expressly provided in this Act, no adult worker shall be required or allowed to work on any plantation in excess of [2][forty-eight hours] a week and no adolescent [3]*** for more than [4][twenty-seven hours] a week.

[5][(*2*) Where an adult worker works in any plantation on any day in excess of the number of hours constituting a normal working day or for more than forty-eight hours in any week, he shall, in respect of such overtime work, be entitled to twice the rates of ordinary wages:

1. Section 19 renumbered as sub-section (*1*) thereof by Act 58 of 1981, s. 9 (w.e.f. 26-1-1982).
2. Subs. by s. 9, *ibid*, for "fifty-four hours" (w.e.f. 26-1-1982).
3. The words "or child' omitted by Act 17 of 2010, s. 6 (w.e.f. 7-6-2010).
4. Subs. by Act 58 of 1981, s. 9, for "forty hours" (w.e.f. 26-1-1982).
5. Ins. by s. 9, *ibid*. (w.e.f. 6-1-1982).

Provided that no such worker shall be allowed to work for more than nine hours on any day and more than fifty-four hours in any week.

(*3*) For any work done on any closed holiday in the plantation or on any day of rest, a worker shall be entitled to twice the rates of ordinary wages as in the case of overtime work.]

20. Weekly holidays.— (*1*) The State Government may by rules made in this behalf—

(*a*) provide for a day of rest in every period of seven days which shall be allowed to all workers;

[1][(*b*) provide for the conditions subject to which, and the circumstances in which, an adult worker may be required or allowed to work overtime.]

(*2*) Notwithstanding anything contained in clause (*a*) of sub- section (*1*) where a worker is willing to work on any day of rest which is not a closed holiday in the plantation, nothing contained in this section shall prevent him from doing so:

Provided that in so doing a worker does not work for more than ten days consecutively without a holiday for a whole day intervening.

Explanation 1.—Where on any day a worker has been prevented from working in any plantation by reason of tempest, fire, rain or other natural causes, that day, may, if he so desires, be treated as his day of rest for the relevant period of seven days within the meaning of sub-section (*1*).

Explanation 2.—Nothing contained in this section shall apply to any worker whose total period of employment including any day spent on leave is less than six days.

21. Daily intervals for rest.—The period of work on each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest for at least half an hour.

22. Spreadover.—The period of work of an adult worker in a plantation shall be so arranged that inclusive of his interval for rest under section [2][21] it shall not spreadover more than twelve hours including the time spent in waiting for work on any day.

23. Notice of period of work.—(*1*) There shall be displayed and correctly maintained in every plantation a notice of periods of work in such form and manner as may be prescribed showing clearly for every day the periods during which the workers may be required to work.

(*2*) Subject to the other provisions contained in this Act, no worker shall be required or allowed to work in any plantation otherwise than in accordance with the notice of periods of work displayed in the plantation.

(*3*) An employer may refuse to employ a worker for any day if on that day he turns up for work more than half an hour after the time fixed for the commencement of the day's work.

[3]**[24. Prohibition of employment of children**.—No child shall be employed to work in any plantation.]

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1. Subs. by Act 58 of 1981, s. 10, for clause (*b*) (w.e.f. 26-1-1982).
2. Subs. by Act 42 of 1953, s. 4 and the Third Schedule, for "19".
3. Ins. by Act 17 of 2010, s. 7 (we.f. 7-6-2010).

25. Night work for women [1]***.—Except with the permission of the State Government, no woman [2]*** worker shall be employed in any plantation otherwise than between the hours of 6 A.M. and 7 P.M.:

Provided that nothing in this section shall be deemed to apply to midwives and nurses employed as such in any plantation.

26. Non-adult workers to carry tokens.— No [3]*** adolescent shall be required or allowed to work in any plantation unless—

(*a*) a certificate of fitness granted with reference to him under section 27 is in the custody of the employer; and

(*b*) such [4]*** adolescent carries with him while he is at work a token giving a references to such certificate.

27. Certificate of fitness.—(*1*) A certifying surgeon shall, on the application of any young person or his parent or guardian accompanied by a document signed by the employer or any other person on his behalf that such person will be employed in the plantation if certified to be fit for work, or on the application of the employer or any other person on his behalf with reference to any young person intending to work, examine such person and ascertain his fitness for work [5]*** as an adolescent.

(*2*) A certificate of fitness granted under this section shall be valid for a period of twelve months from the date thereof, but may be renewed.

(*3*) Any fee payable for a certificate under this section shall be paid by the employer and shall not be recoverable from the young person, his parents or guardian.

28. Power to require medical examination.—An inspector may, if he thinks necessary so to do, cause any young person employed in a plantation to be examined by a certifying surgeon.

CHAPTER VI

LEAVE WITH WAGES

29. Application of Chapter.— (*1*) The provisions of this Chapter shall not operate to the prejudice of any rights to which a worker may be entitled under any other law or under the terms of any award, agreement, or contract of service:

Provided that where such award, agreement or contract of service provides for a longer leave with wages than provided in this Chapter the worker shall be entitled only to such longer leave.

Explanation.—For the purpose of this Chapter leave shall not, except as provided in section 30, include weekly holidays or holidays for festivals or other similar occasions.

30. Annual leave with wages.—(*1*) Every worker shall be allowed leave with wages for a number of days calculated at the rate of—

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1. The words “and children” omitted by Act 17 of 2010, s. 8 (we.f. 7-6-2010).
2. The words “or child” omitted by s. 8, *ibid*. (we.f. 7-6-2010).
3. The words “child and no” omitted by Act 17 of 2010, s. 9 (w.e.f. 7-6-2010).
4. The words “child or” omitted by s. 9, *ibid*. (w.e.f. 7-6-2010).
5. The words “either as a child or” omitted by s.10, *ibid*. (w.e.f. 7-6-2010).

(*a*) if an adult, one day for every twenty days of work performed by him, and

(*b*) if a young person, one day for every fifteen days of work performed by him.

[1]* * * * *

[2][[3][*Explanation 1*].—For the purposes of calculating leave under this sub-section,—

(*a*) any day on which no work or less than half a day's work is performed shall not be counted; and

(*b*) any day on which half or more than half a day's work is performed shall be counted as one day.]

[4][*Explanation 2*.—The leave admissible under this sub-section shall be exclusive of all holidays, whether occurring during, or at either and of the period of leave.]

(*2*) If a worker does not in any one period of twelve months take the whole of the leave allowed to him under sub-section (*1*), any leave not taken by him shall be added to the leave to be allowed to him under that sub-section in the succeeding period of twelve months.

(*3*) A worker shall cease to earn any leave under this section when the earned leave due to him amounts to thirty days.

[2][(*4*) If the employment of a worker who is entitled to leave under this section is terminated by the employer before he has taken the entire leave to which he is entitled, the employer shall pay him the amount payable under section 31 in respect of the leave not taken, and such payment shall be made before the expiry of the second working day after such termination.]

31. Wages during leave period.— [5][(*1*) For the leave allowed to a worker under section 30, he shall be paid,—

(*a*) if employed wholly on a time-rate basis, at a rate equal to the daily wage payable to him immediately before the commencement of such leave under any law or under the terms of any award, agreement or contract of service, and

(*b*) in other cases, including cases where he is, during the preceding twelve calendar months, paid partly on a time-rate basis and partly on a piece-rate basis, at the rate of the average daily wage calculated over the preceding twelve calendar months.

Explanation.—For the purposes of clause (*b*) of sub-section (*1*), the average daily wage shall be computed on the basis of his total full-time earnings during the preceding twelve calendar months, exclusive of any overtime earnings or bonus, if any, but inclusive of dearness allowance.

(*1A*) In addition to the wages for the leave period at the rates specified in sub-section (*1*), a worker shall also be paid the cash value of food and other concessions, if any, allowed to him by the employer in addition to his daily wages unless these concessions are continued during the leave period.]

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1. The proviso omitted by Act 58 of 1981, s. 11 (w.e.f. 26-1-1982).
2. Ins. by Act 34 of 1960, s. 6 (w.e.f. 21-11-1960).
3. The existing *Explanation* numbered as *Explanation* 1 thereof by Act 58 of 1981, s. 11 (w.e.f. 26-1-1982).
4. Ins. by s. 11. *ibid*. (w.e.f. 26-1-1982).
5. Subs. by Act 34 of 1960, s. 7, for sub-section (*1*) (w.e.f. 21-11- 1960).

(*2*) A worker who has been allowed leave for [1][any period not less than] four days in the case of an adult and five days in the case of a young person under section 30 shall, before his leave begins, be paid his wages for the period of the leave allowed.

32. Sickness and maternity benefits.—(*1*) Subject to any rules that may be made in this behalf, every worker shall be entitled to obtain from his employer—

(*a*) in the case of sickness certified by a qualified medical practitioner, sickness allowance, and

(*b*) if a woman, in the case of confinement or expected confinement, maternity allowance, at such rate, for such period and at such intervals as may be prescribed.

(*2*) The State Government may make rules regulating the payment of sickness or maternity allowance and any such rules may specify the circumstances in which such allowance shall not be payable or shall cease to be payable, and in framing any rules under this section the State Government shall have due regard to the medical facilities that may be provided by the employer in any plantation.

[2][CHAPTER VIA

ACCIDENTS

32A. Notice of accident.—Where in any plantation, an accident occurs which causes death or which causes any bodily injury to a worker by reason of which the worker injured is prevented from working for a period of forty-eight hours or more immediately following the accident, or which is of such a nature as may be prescribed in this behalf, the employer thereof shall send notice thereof to such authorities, in such form, and within such time, as may be prescribed.

32B. Register of accidents.—The employer shall maintain a register of all accidents which occur in the plantation in such form and in such manner as may be prescribed.]

[3][**32C. Compensation.—**The employer shall give compensation to a worker in plantation in case of accident and the memorandum relating to such compensation shall be got registered by the employer with the Commissioner in accordance with the provisions of the Workmen's Compensation Act, 1923 (8 of 1923).]

CHAPTER VII

PENALTIES AND PROCEDURE

33. Obstruction.—(*1*) Whoever obstructs an inspector in the discharge of his duties under this Act or refuses or wilfully neglects to afford the inspector any reasonable facility for making any inspection, examination or inquiry authorised by or under this Act in relation to any plantation, shall be punishable

1. Subs. by Act 42 of 1953, s. 4 and the Third Schedule, for "any period less than".
2. Ins. by Act 58 of 1981, s. 12 (w.e.f. 26-1-1982).
3. Ins. by Act 17 of 2010, s. 11 (w.e.f. 7-6-2010).

with imprisonment for a term which may extend to [1][six months, or with fine which may extend to ten thousand rupees, or with both].

(*2*) Whoever wilfully refuses to produce on the demand of an inspector any register or other document kept in pursuance of this Act, or prevents or attempts to prevent or does anything which he has reason to believe is likely to prevent any person from appearing before or being examined by an inspector acting in pursuance of his duties under this Act, shall be punishable with imprisonment for a term which may extend to [2][six months, or with fine which may extend to ten thousand rupees, or with both.]

34. Use of false certificate of fitness.—Whoever knowingly uses or attempts to use as a certificate of fitness granted to himself under section 27 a certificate granted to another person under that section, or having been granted a certificate of fitness to himself, knowingly allows it to be used, or allows an attempt to use it to be made by another person, shall be punishable with imprisonment which may extend to [3][two months, or with fine which may extend to one thousand rupees, or with both].

35. Contravention of provisions regarding employment of labour.—Whoever, except as otherwise permitted by or under this Act, contravenes any provision of this Act or of any rules made thereunder, prohibiting, restricting or regulating the employment of persons in a plantation, shall be punishable with imprisonment for a term which may extend to [1][six months, or with fine which may extend to ten thousand rupees, or with both].

36. Other offences.—Whoever contravenes any of the provisions of this Act or of any rules made thereunder for which no other penalty is elsewhere provided by or under this Act shall be punishable with imprisonment for a term which may extend to [1][six months, or with fine which may extend to ten thousand rupees, or with both].

37. Enhanced penalty after previous conviction.—If any person who has been convicted of any offence punishable under this Act is again guilty of an offence involving a contravention of the same provision, he shall be punishable on a subsequent conviction with imprisonment which may extend to [4][one year, or with fine which shall not be less than ten thousand rupees but which may extend to one lakh rupees, or with both]:

Provided that for the purposes of this section no cognizance shall be taken of any conviction made more than two years before the commission of the offence which is being punished.

[5][**37A. Power of court to make orders**.—(*1*) Where an employer is convicted of an offence punishable under section 36, the court may, in addition to awarding any punishment, by order in writing, require him within such period as may be specified in the order (which the court may, if it thinks fit and on an application made in this behalf by the employer, from time to time, extend) to take such measures as may be so specified for remedying the matters in respect of which the offence was committed.

(*2*) Where an order is made under sub-section (*1*), the employer shall not be liable under this Act in respect of the continuation of the offence during the period or extended period, as the case may be,

1. Subs. by Act 17 of 2010, s. 12, for "three months, or with fine which may extend to five hundred rupees, or with both" (w.e.f. 7-6-2010).
2. Subs. by s. 12, *ibid*., for "three months, or with fine which may extend to five hundred rupees, or with both" (w.e.f. 7-6-2010).
3. Subs. by s. 13, *ibid.*, for "one month, or with fine which may extend to fifty rupees, or with both" (w.e.f. 7-6-2010).
4. Subs. by s. 14, *ibid.*, for "six months, or with fine which may extend to one thousand rupees, or with both" (w.e.f. 7-6-2010).
5. Ins. by Act 58 of 1981, s. 13 (w.e.f. 26-1-1982).

specified by the court, but if, on the expiry of such period or extended period, the order of the court has not been fully complied with, the employer shall be deemed to have committed a further offence and he shall, on conviction, be punishable with imprisonment for a term which may extend to six months and with fine which may extend to three hundred rupees for every day after such expiry.]

38. Exemption of employer from liability in certain cases.—Where an employer charged with an offence under this Act alleges that another person is the actual offender, he shall be entitled upon complaint made by him in this behalf to have, on giving to the prosecutor in this behalf three clear days, notice in writing of his intention so to do, that other person brought before the Court on the day appointed for the hearing of the case and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the Court that—

(*a*) he has used due diligence to enforce the execution of the relevant provisions of this Act; and

(*b*) that the other person committed the offence in question without his knowledge, consent or connivance;

the said other person shall be convicted of the offence and shall be liable to the like punishment as if he were the employer and the employer shall be acquitted:

Provided that—

(*a*) the employer may be examined on oath and his evidence and that of any witness whom he calls in his support shall be subject to cross-examination on behalf of the person he charges to be the actual offender and by the prosecutor, and

(*b*) if, in spite of due diligence, the person alleged as the actual offender cannot be brought before the Court on the day appointed for the hearing of the case, the Court shall adjourn the hearing thereof from time to time so, however, that the total period of such adjournment does not exceed three months, and if, by the end of the said period, the person alleged as the actual offender cannot still be brought before the Court, the Court shall proceed to hear the case against the employer.

[1][**39. Cognizance of offences**.— No Court shall take cognizance of any offence under this Act except on a complaint made by any worker or an office bearer of a trade union of which such worker is a member or an inspector and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

39A. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.]

40. Limitation of prosecutions.— No Court shall take cognizance of an offence punishable under this Act unless the complaint thereof has been made or is made within three months from the date on which the alleged commission of the offence came to the knowledge of an inspector:

Provided that where the offence consists of disobeying a written order made by an inspector, complaint thereof may be made within six months of the date on which the offence is alleged to have been committed.

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1. Subs. by Act 17 of 2010, s. 12, for section 39 (w.e.f. 7-6-2010).

CHAPTER VIII

MISCELLANEOUS

41. Power to give directions.—The Central Government may give directions to the Government of any State as to the carrying into execution in the State of the provisions contained in this Act.

42. Power to exempt.—The State Government may, by order in writing, exempt, subject to such conditions and restrictions as it may think fit to impose, any employer or class of employers from all or any of the provisions of this Act:

Provided that no such exemption [1][other than an exemption from section 19] shall be granted except with the previous approval of the Central Government.

43. General power to make rules.—(*1*) The State Government may, subject to the condition of previous publication, make rules to carry out the purposes of this Act:

Provided that the date to be specified under clause (*3*) of section 23 of the General Clauses Act, 1897 (10 of 1897), shall not be less than six weeks from the date on which the draft of the proposed rules was published.

(*2*) In particular, and without prejudice to the generality of the foregoing power, any such rules may provide for—

(*a*) the qualifications required in respect of the chief inspector and inspector;

(*b*) the powers which may be exercised by inspectors and the areas in which and the manner in which such powers may be exercised;

(*c*) the medical supervision which may be exercised by certifying surgeons;

(*d*) the examination by inspectors or other persons of the supply and distribution of drinking water in plantations;

(*e*) appeals from any order of the chief inspector or inspector and the form in which, the time within which and the authorities to which, such appeals may be preferred;

(*f*) the time within which housing, recreational, educational or other facilities required by this Act to be provided and maintained may be so provided;

(*g*) the types of latrines and urinals that should be maintained in plantations;

(*h*) the medical, recreational and educational facilities that should be provided in plantations;

(*i*) the form and manner in which notices of periods of work shall be displayed and maintained;

(*j*) the registers which should be maintained by employers and the returns, whether occasional or periodical, as in the opinion of the State Government may be required for the purposes of this Act; [2]***

1. Ins. by Act 34 of 1960, s. 8 (w.e.f. 21-11-1960).
2. The word "and" omitted by Act 58 of 1981, s. 14 (w.e.f. 26-1- 1982).

(*k*) the hours of work for a normal working day for the purpose of wages and overtime;

[1][(*l*) any other matter which is required to be, or may be, prescribed.]

[2][(*3*) Every rule made by the State Government under this Act shall, as soon as may be after it is made, be laid before the State Legislature.]

[3][(*4*) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.]

1. Added by Act 58 of 1981, s. 14 (w.e.f. 26-1-1982).
2. Subs. by Act 17 of 2010, s. 16, for sub-section (*3*) (w.e.f. 7-6-2010).
3. Added by Act 4 of 2005, s. 2 and the Schedule (w.e.f.11-1-2005).