

## Plantations Labour Act, 1951

### Amending Act 2 - Plantation Labour (Amendment) Act, 1981

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## THE PLANTATION LABOUR (AMENDMENT) ACT, 1981

[Act, No. 58 of 1981]

[29th December, 1981]

### PREAMBLE

An Act further to amend the Plantation LABOUR Act, 1951.

BE it enacted by Parliament in the Thirty- second Year of the Republic of India as follows:--

#### 1. Short title and commencement.-

(1) This Act may be called the Plantation Labour ( Amendment ) Act, 1981.

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

#### 2. Amendment of section 1.-

In section 1 of the Plantation LABOUR Act, 1951 (hereinafter referred to as the principal Act),-

(i) in sub-sections (4) and (5),-

(a) for the figures and word "10.117 hectares", wherever they occur, the figure and word "5 hectares" shall be substituted;

(b) for the word "thirty", wherever it occurs, the word "fifteen" shall be substituted;

(ii) in sub-section (4), in clause (a), for the words " or cinchona", the words "cinchona or cardamom" shall be substituted;

(iii) after sub-section (4), the following Explanation shall be inserted, namely:--

"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."

#### 3. Amendment of section 2.-

In section 2 of the principal Act,-

(i) after clause (ee), the following clause shall be inserted, namely:-

(ee) "inspector" means an inspector of plantation appointed under sub-section (1) of section 4 and includes an additional inspector of plantation appointed under sub-section (IA) of that section;;

(ii) in clause (k), in sub-clauses (ii) and (iii), for the words "rupees three hundred", the words "rupees seven hundred and fifty" shall be substituted.

#### **4. Insertion of new chapter IA.-**

After Chapter I of the principal Act, the following Chapter shall be inserted, namely:-

### **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 function 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 Plantations Labour (Amendment) Act, 1981 shall, within a period of sixty days for such commencement, and every employer of any other plantation coming into existence after such commencement shall, within a period of sixty days for 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:

Provided that the appellate authority may entertain an appeal under this sub-section after the expiry for the aforesaid period if it is satisfied that 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 powers, 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."

### **5. Amendment of section 4.-**

In section 4 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:-

"(IA) 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."

### **6. Amendment of section 12.-**

In section 12 of the principal Act,-

(i) for sub-section (1), the following sub-section shall be substituted, namely:-

(1) In every plantation wherein fifty or more women workers (including women workers employed by any contractor) are employed were employed on any day of the preceding twelve months, or where the number of children or 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,;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:-

"(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 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.";

(iii) in sub-section (2), for the words "such rooms", the words, brackets, figures and letter " The rooms referred to in sub-section (1) or sub-section (1A)" shall be substituted;

(iv) in sub-section (3), for the words "such rooms", the words, brackets, figures and letter " The rooms referred to in sub-section (1) or sub-section (1A)" shall be substituted;

## **7. Substitution of new section for section 15 Housing facilities.-**

For section 15 of the principal Act, the following section shall be substituted, namely:-

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:

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."

## **8. Insertion of new section 16A of 16G.-**

After section 16 of the principal Act, the following sections shall be inserted, namely:-

16A. Liability of employer in respect of accidents resulting form 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 slowly and directly attributable to a fault on the part of an 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, as in force of 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 Commissioners 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 dependent of the deceased or by any agent duly authorised by such dependent or, if such dependent is a minor, by his guardian.

(2) Every 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 "dependent" has the meaning assigned to it in clause (d) of section 2 of the Workmen's Compensation Act, 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 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 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 of 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 of 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 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 decisions of the High Court in cases in which an appeal is preferred under sub-section (2), the decision of Commissioner under sub-section (1) shall be final and shall not be called in question in any court.

16F. Savings 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 for 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.'

## 9. Amendment of section 19.-

Section 19 of the principal Act shall be renumbered as sub-section (1) thereof, and-

(i) in sub-section (1) as so renumbered,-

(a) for the words "fifty-four hours", the words "forty-eight hours" shall be substituted;

(b) for the words "forty hours", the words "twenty-seven hours" shall be substituted;

(ii) after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely:-

"(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, respect of such overtime work, be entitled to twice the rates of ordinary wages;--

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, worker shall be entitled to twice the rates of ordinary wages as in the case of overtime work."

## 10. Amendment of section 20.-

In sub-section (1) of section 20 of the principal Act, for clause (b), the following clause shall be substituted, namely:-

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

## 11. Amendment of section 30.-

In sub-section (1) of section 30 of the principal Act,

(i) the proviso shall be omitted;

(ii) the Explanation shall be numbered as Explanation I, and after the Explanation as so numbered the following Explanation shall be inserted namely:-

"Explanation 2- The leave admissible under this sub-section shall be exclusive of all holidays, whether occurring during or at either end of, the period of leave."

## 12. Insertion of new Chapter VI.-

After Chapter VI of the principal Act, the following Chapter shall be inserted, namely:-

## CHAPTER VIA

### ACCIDENTS

32A. Notice of Accident.- Where in any plantation, an accident occurs 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."

#### 13. Insertion of new section 37A.-

After section 37 of the principal Act, the following section shall be inserted, namely:-

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 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, 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".

#### 14. Amendment of section 43.-

In sub-section (2) of section 43 of the principal Act,-

(i) in clause (j), the word "and " occurring at the end shall be omitted;

(ii) after clause (k), the following clause shall be added, namely:-

"(l) any other matter which is required to be, or may be, prescribed."