

PLANTATIONS LABOUR ACT, 1951

69 of 1951

[2nd November, 1951]

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STATEMENT OF OBJECTS AND REASONS "In spite of the fact that the plantation industry provides employment for more than a million workers, there is at present no comprehensive legislation regulating the conditions of labour in the industry. Tea Districts Emigrant Labour Act, 1932, which applies only to Assam, regulates merely the conditions of recruitment of labour for employment in the tea gardens of Assam. The Workmen's Compensation Act, 1923, which applies to estates growing cinchona, coffee, rubber or tea also does not confer any substantial benefit on plantation labour as accidents in plantations are few. The other Labour Acts, like Payment of Wages Act, 1936, Industrial Employment Standing Orders Act, 1946 and Industrial Disputes Act, 1947, benefit plantation labour only to a very limited extent. In its report the Labour Investigation Committee observed "that as the conditions of life and employment on plantations were different from those in other industries, it would be very difficult to fit plantation labour in the general framework of the Industrial Labour Legislation without creating serious anomalies" and recommended a plantation Labour Code covering all plantation areas. 2. The present Bill, drafted as an all-India measure, seeks to regulate the conditions of plantation labour generally. It applies in the first instance to tea, coffee, rubber and cinchona plantations, but the State Government may apply it to any other plantation. Provision is made in the Bill for assuring to the worker reasonable amenities, as for example, the supply of wholesome drinking water or suitable medical and educational facilities or provision for canteens and creches in suitable cases, or provision for sufficient number of latrines and urinals separately for males and females. Housing accommodation is also to be provided for every worker and standards and specifications of such housing accommodation will be prescribed after due consultation. The Bill also regulates the working hours of workers employed in the plantations. 3. Children under 12 are prohibited from employment in any plantation and State Governments are empowered to make rules regulating the payment of sickness or maternity benefits. 4. Necessary provision is made in the Bill for the appointment of a suitable inspecting, medical or other staff for the purpose of securing the implementation of the Various provisions in the Bill."-Gaz, of Ind., 16-6-1951, Pt. II, Sec. 2, p. 517. . Amending Act 34 of 1960.- "The Plantations Labour Act, 1951, which provides for the welfare of labour and regulates

the conditions of work in plantations has been in operation since the 1st April 1954. The Act is applicable to gardens admeasuring twenty-five acres or more and whereon thirty or more persons are employed. Some employers are fragmenting their plantations into small units with a view to evading their liabilities under the Act. The amendments mentioned in the Bill are proposed to check fragmentation of plantations and to ensure more effective working of the Act". -Gazette of India, 15-2-1960, Pt. II, Section 2, Extra, page 9.

CHAPTER 1
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" as the Central Government may, by notification in the Official Gazette, appoint.

OBJECTS AND REASONS Sub-section (5). "Sub-section (5) is being added in Section 1 to empower the State Governments to apply all or any of the provisions of the Act to any plantations less than 10.117 hectares in area or employing less than 30 workers, subject to the condition that such of these plantations as were in existence before the commencement of the Act will not be brought within its scope. This sub-section thus seeks to check the fragmentation of plantations by employers into small units and to prevent the establishment of such small units in future with a view to by-passing the Act". -S.O.R. -Gaz. of Ind., 15-2-1960, Pt. II, S. 2, Ext. p. 10.

2. Definitions :-

In this Act, unless the context otherwise requires,-

- (a) "adolescent" means a person who has completed his 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 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;

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

(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;

(1) "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;

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

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

CHAPTER 1A

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 Plantations Labour (Amendment) Act, 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 officers 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 :-

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.

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.

(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 the 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.

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;

(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 of 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.

CHAPTER 3

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 :-

(2) If in any plantation medical facilities are not provided and maintained as required by sub-section (1) 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 arrears of land revenue.

CHAPTER 4

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.

12. Creches :-

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

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.

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.]

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 maybe specified;

(d) the fixing of rent, if any, for the housing accommodation

provided for workers;

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

16A. Liability of employer in respect of accidents resulting from collapse of houses provided by him :-

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 :-

(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.

16D. Procedure and powers :-

(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 :-

(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 :-

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).

CHAPTER 5

HOURS AND LIMITATION OF EMPLOYMENT

19. Weekly hours :-

(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 :-

(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. Spread-over :-

The period of work of an adult worker in a plantation shall be so arranged that inclusive of his interval for rest under section ¹ [21] it shall not spread over more than twelve hours including the time spent in waiting for work on any day.

1. Substituted for clause (f), by the Plantations Labour (Amendment) Act, 1960 (34 of 1960), S. 3 (21-11-1960).

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.

24. Prohibition of employment of young children :-

Omitted by Child Labour (Prohibition and Regulation) Act (61 of 1986), S. 24 (23-12-86)].

25. Night work for women and children :-

Except with the permission of the State Government, no woman or child 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 child ¹ [x x x x x] and no adolescent shall be required or allowed to work in any plantation unless--

(b) such child or adolescent carries with him while he is at work a token giving a reference to such certificate.

1. Substituted for clause (f), by the Plantations Labour (Amendment) Act, 1960 (34 of 1960), S. 3 (21-11-1960).

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 either as a child or 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 6

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.

30. Annual leave with wages :-

(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.

OBJECTS AND REASONS Explanation.- "It is clear whether the expression "work performed" appearing in sub-section. (1) of Section 30 includes day on which less than the normal day's work is performed or on which only attendance is put in. The proposed "Explanation" clarifies the position in this regard. Sub-section (4).- The existing Section 30 does not provide for grant of leave due to a worker or wages in lieu of such leave in case his services are terminated by the employer. The new sub-section (4) makes necessary provision on this account". -S.O.R.

31. Wages during leave period :-

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 over-time earnings or bonus, if any, but inclusive of dearness allowance.

(1-A) 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.]

OBJECTS AND REASONS Sub-section (1) substituted.-"The period over which the average daily wage should be calculated has not been specified in Section 31(1). This has been causing difficulty in the calculation of wages for the leave period. The proposed amendment seeks to remove this difficulty." -S.O.R.

32. Sickness and maternity benefits :-

CHAPTER 6A 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.]

CHAPTER 7

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 authorized by or under this Act in relation to any plantation, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred 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 three months, or with fine which may extend to five hundred 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 one month, or with fine which may extend to fifty rupees, or with both.

35. Contravention of provisions regarding employment of labour :-

Whoever, except as otherwise permitted by or under this Act, contravenes any provisions 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 three months, or with fine which may extend to five hundred 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 three months, or with fine which may extend to five hundred 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 six months, or with fine which may extend to one thousand 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.

37A. Power of court to make orders :-

(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.]

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

39. Cognizance of offences :-

No Court shall take cognizance of any offence under this Act except on complaint made by, or with the previous sanction in writing of, the chief inspector and no Court, inferior to that of a Presidency Magistrate or a Magistrate of the second class shall try any offence punishable 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.

CHAPTER 8

MISCELLANEOUS

41. Power to give directions :-

The Central government may give directions to the Government of any State as to the carry ing 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. OBJECTS AND REASONS Proviso asamended in 1960.- "Under Section 42. previous approval of the Central Government is necessary before State Government can exempt employers from any provisions of the Act. Section 19 restricts weekly hours of work to 54 for adults. Employers are finding it difficult to observe a 54-hour week in a rush period when tea leaves have to be plucked while in heavy flush and coffee berries have to be plucked before torrential rains can bring down the whole of the ripening crop. The restriction of weekly hours of work to 54 in such cases results in loss of crop to estates and loss of. earnings to workers paid on piece rates. The proposed amendment empowers State Governments to exempt

employers froth Section 19 in suitable cases without prior reference to the Central Government which takes time". -S.O.R.

1. Substituted for clause (f), by the Plantations Labour (Amendment) Act, 1960 (34 of 1960), S. 3 (21-11-1960).

43. General power to make rules :-

(3) All rules made under this Act shall, if made by any Government other than the Central Government, be subject to the previous approval of the Central Government.