

**STANDING COMMITTEE ON LABOUR
(2008-2009)**

(FOURTEENTH LOK SABHA)

MINISTRY OF LABOUR AND EMPLOYMENT

THE PLANTATIONS LABOUR (AMENDMENT) BILL, 2008

THIRTY-EIGHTH REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

January, 2009/Pausa, 1930 (Saka)

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STANDING COMMITTEE ON LABOUR
(2008-09)

(FOURTEENTH LOK SABHA)

MINISTRY OF LABOUR AND EMPLOYMENT

THE PLANTATIONS LABOUR (AMENDMENT) BILL, 2008

Presented to Hon'ble Speaker on 22.1.2009

Presented to Lok Sabha on 13.2.2009

Laid in Rajya Sabha on 13.2.2009



LOK SABHA SECRETARIAT
NEW DELHI

January, 2009/Pausa, 1930 (Saka)

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**COMPOSITION OF THE STANDING COMMITTEE ON LABOUR
(2008-2009)**

Shri Suravaram Sudhakar Reddy-CHAIRMAN

**MEMBERS
LOK SABHA**

2. Shri Furkan Ansari
3. Shri Ramdas Bandu Athawale
4. Shri Subrata Bose
5. Shri Santasri Chatterjee
6. Shri Thawar Chand Gehlot
- *7. Shri Munawar Hasan
8. Smt. Sushila Kerketta
9. Shri Mohammad Tahir Khan
10. Shri Virendra Kumar
11. Shri Rajesh Kumar Manjhi
12. Shri Basangouda R. Patil
13. Shri Devidas Pingle
14. Shri Chandra Dev Prasad Rajbhar
15. Shri Mohan Rawale
16. Shri Dhan Singh Rawat
17. Shri Kamla Prasad Rawat
18. Smt. C. S. Sujatha
19. Shri Paras Nath Yadav
20. Vacant
21. Vacant

RAJYA SABHA

- **22. Chowdhary Mohammad Aslam
23. Shri Rudra Narayan Pany
24. Shri Narayan Singh Kesari
25. Shri K. Chandran Pillai
- ***26. Shri Gandhi Azad
27. Smt. Renubala Pradhan
28. Shri Arjun Kumar Sengupta
29. Vacant
30. Vacant
31. Vacant

* Expired on 10.12.2008.

** Ceased to be a Member of the Committee consequent upon his retirement from Rajya Sabha w.e.f. 29.11.2008.

*** Ceased to be a Member of the Committee consequent upon his retirement from Rajya Sabha w.e.f. 25.11.2008.

SECRETARIAT

- | | | |
|---------------------|---|------------------|
| 1. Shri Brahm Dutt | - | Joint Secretary |
| 2. Shri R.K. Bajaj | - | Director |
| 3. Shri N.K. Pandey | - | Deputy Secretary |

INTRODUCTION

I, the Chairman of the Standing Committee on Labour having been authorized by the Committee to submit the report on their behalf, present this Thirty-Eighth Report on 'The Plantations Labour (Amendment) Bill, 2008'.

2. 'The Plantation Labour (Amendment) Bill, 2008' was introduced in the Rajya Sabha on 21st October, 2008 and was referred to the Standing Committee on Labour by the Hon'ble Speaker, Lok Sabha under Rule 331E (b) of the Rules of Procedure and Conduct of Business in Lok Sabha for examination and report within three months from the date of publication of the reference of the Bill in the Bulletin Part- II of Lok Sabha dated 31st October, 2008.

3. The Bill seeks to provide a safety net to plantation workers dealing with agro-chemicals particularly, insecticides, pesticides and herbicides besides enabling the Central Government to prohibit, restrict or regulate the employment of women and adolescents for handling hazardous chemicals in plantations.

4. The Committee sought written information regarding the origin of this Bill from the nodal Ministry, *i.e.*, the Ministry of Labour and Employment. The Committee also sought written clarifications on the proposed amendments in the Act.

5. The Committee also invited views/comments of Central Trade Unions on the proposed amendments. The Committee further undertook on-the-spot study visits to Bangalore and Kochi from 29th November, 2008 to 2nd December, 2008 to have first hand information about the problems of the plantation workers and to know their views on the proposed amendments in the Act.

6. The Committee took oral evidence of the representatives of the Ministry of Labour and Employment on 17th December, 2008 in connection with the examination of the Bill.

7. The Committee considered and adopted the draft Report on the Bill at their sitting held on 16th January, 2009.

NEW DELHI;

16th January, 2009
26 Pausa, 1930 (Saka)

SURAVARAM SUDHAKAR REDDY,
Chairman,
Standing Committee on Labour

REPORT**THE PLANTATIONS LABOUR (AMENDMENT) BILL, 2008****Background**

The Plantations Labour Act, 1951 provides for the welfare of labour and regulates the conditions of work in plantations. It also regulates conditions of employment including working hours and provides for mechanism for safety, health and welfare of plantation labour. The Act was reviewed in September, 1984, in a conference of Labour Secretaries of States having plantation industry, and the need to amend the Act was noted. It was strongly articulated that additional safeguard for workers is necessary in view of increasing use of hazardous chemicals in the plantation industry as well as poor implementation of welfare provisions of the Act. Some State Governments also sent proposals to amend the Act and the Rules framed there under.

2. Implementation of welfare provisions of the Act, relating to medical facilities, protective clothing etc. were also deliberated by the Industrial Committee on Plantations at its meeting held in March, 1985. The Committee felt that the plantation industry was not fully extending the mandated rights and safeguards to the workers. The Committee observed that the Act should be amended to ensure that the provision of such welfare facilities as well as adequate safeguards against toxic chemicals (i.e. insecticides, fungicides and herbicides etc.) that were being increasingly used in plantations are extended to plantation workers. Accordingly, a sub-committee was constituted on 06 August, 1985 to consider the required amendments to the Act and the model rules framed thereunder including rules framed by the State Governments relating to safety, health and welfare of plantation workers. The report of this sub-committee was considered and approved with certain modifications by the Industrial Committee on Plantations, in August 1986.

3. The Cabinet approved the proposal of Ministry of Labour to amend the Act. This amendment proposal relied heavily on the recommendations of August 1986 of the Industrial Committee on Plantations. The Plantations Labour (Amendment) Bill, 1988 was introduced in Lok Sabha) on 16 December, 1988 during 8th Lok Sabha. The Bill, however, lapsed due to dissolution of the Lok Sabha.

4. In the meanwhile, certain aspects relating to handling of hazardous chemicals by workers in plantation came up for a fresh scrutiny and it was felt that an enabling provision may be made by the State Governments to prohibit or regulate reemployment of women and adolescents for using or handling any hazardous chemicals in plantation. Therefore, the Bill was got deleted from the list of Business of the Lok Sabha) on 26th July, 1989 during 9th Lok Sabha with a view to examining these suggestions further.

5. Subsequently in January, 1991, the Cabinet desired that the proposal to amend the Act may be re-examined to ensure adequacy of the restrictions required in respect of employment of women and children in view of use of hazardous chemicals in the plantation industry. As per the directions of the Cabinet, a revised Note for the Cabinet after consulting Ministries concerned was submitted in December, 1991.

6 After obtaining the approval of the Cabinet, the Plantations Labour (Amendment) Bill, 1992 was introduced in Rajya Sabha on 7 May, 1992. The Bill was passed by Rajya Sabha on 30 July, 1992 and was laid on the Table of Lok Sabha on 4 August, 1992.

7. In the meantime, Government received a number of representations from various organizations expressing apprehensions about some of the amendments proposed in the Bill, particularly, regarding the viability and necessity to establish within two and three years 'Garden' and "Group Hospitals" by the plantation management, irrespective of the scale of plantation size and strength of employment. It was felt that the amendment would lead to avoidable duplication of infrastructure leading to waste of resources. It was, accordingly decided, with the approval of the then Labour Minister, to reconstitute the Tripartite Industrial Committee on Plantations. The Industrial Committee on Plantations was reconstituted and a meeting of the Committee was held on 27 April, 1994. It was decided in the meeting that in view of increasing commitment of resources on transport and road infrastructure the isolation of plantation has been significantly mitigated and thus to that extent the need to insist on Group hospitals and garden hospitals irrespective of scale of plantation, may not be necessary. In a related development, with the dissolution of the 10th Lok Sabha, the Bill lapsed on 10 May, 1996.

8. A new Tripartite Committee on Plantations Industry was constituted in 2002. This Tripartite Committee, in its deliberations of April 4, 2002, decided to constitute an Inter-Ministerial Committee with representatives from Ministries of Commerce, Finance, Labour and State Governments. The Committee recommended that if the right legislative and policy environment is made available, then, the plantation sector has a lot of promise to grow. The Committee was of the view that in the event of the State providing the welfare amenities to plantation states, as are ordinarily available to citizens of the

country, the relevant provisions in the Act may be reviewed. This exercise was taken up in consultation with all the Plantation States and Central Ministries concerned. The amendment proposals thus formulated were placed before the Industrial Tripartite Committee on Plantation Industry in a meeting held on 26 August, 2005 and Consultative Committee attached to the Ministry of Labour & Employment meeting held on 3 May, 2007 and the amended proposals approved have been taken up now.

9. The current Bill was introduced in Rajya Sabha on 21 October, 2008. The proposed amendments in brief are as follows:-

- (i) To amend the definition of 'employer' so as to fix the responsibility on the Managing Directors, Partners, Lessee or the Officers of the Government entrusted with the management of the plantation.
- (ii) To amend the definition of 'family' to remove the distinction between the family of a male and female worker.
- (iii) To amend the definition of 'workers' enhancing wage ceiling from Rs. 750/- to Rs. 10,000/- per month. The proposal is also to amplify the definition of 'workers' to include contract worker(s) in plantations employed for more than 60 days in a year.
- (iv) To amend Section 10(2) to enjoin upon the State Government to provide medical facilities and recover the costs from the defaulting employer. Presently this duty is entrusted to the Chief Inspector.
- (v) To amend the provisions of Section 19 to delete the word "Child" in view of addition of Section 24 to Plantations Labour Act, 1951 prohibiting child labour in plantations. Consequently also, amendments to sections 25,26 and 27 have to be made in order to delete the work "Child" from these sections.
- (vi) To add Section 24 by deleting section 24(b) of the Child Labour (Prohibition and Regulation) Act, 1986 in order to prohibit child labour in plantations.
- (vii) Insertion of Section 32-C after section 32-B in order to prescribe the manner in which compensation in case of accident shall be registered by the employer with the Commissioner in terms of Workmen's Compensation Act, 1923.
- (viii) In Sections 33, 34, 35, 36 and 37, it is proposed to enhance the quantum in penal provisions.
- (ix) The Section 39 of the Principal Act relating to cognizance of the offences shall be substituted and a new section 39-A giving protection to persons acting in good faith etc. shall be added.

- (x) To delete Section 43(3) relating to approval of Central Government to rules framed by State Governments and to insert a new provision to the effect that the rules made by the State Government shall be laid before Legislative Assembly concerned.
- (xi) A new chapter IV-A is being added to provide for safety and absence of risk to the health of workers in plantations.

10. When asked about the Plantations which come within the purview of the Plantations Labour Act, 1951 the Ministry informed that any land used for growing tea, coffee, rubber, cardamom, cinchona etc. and measuring five hectares or more or employing 15 or more persons is covered under the Act.

11. When asked about the details of plantations which do not come within the ambit of the Act along with the reasons for their exemption, the Ministry replied in a post evidence written note as under:

“The Plantations with less than five hectares and employing less than fifteen workers do not fall under the ambit of the Plantations Labour Act. In other words, small growers who mostly manage their holdings with own family labour do not come under the purview of the Act. The Plantations include tea, coffee, rubber, cinchona or cardamom and no other Plantations. However, as per Section 4 (b) of the Plantations Labour Act, after approval of the Central Government, the State Government may direct by notification in the official Gazette to any land used for intended to use for growing any other plant which measures 5 hectare or more and in which 15 or more persons are employed.”

12. The Committee pointed out that the primary objective of the amendment in the Act is to provide a safety net to plantation workers dealing with agro chemicals particularly insecticides, pesticides and herbicides. Asked about the details with regard to extent of hazards these chemicals have on the health of workers, the Ministry of Labour and Employment stated in a note as under:

“Many mechanical and chemical hazards exist in the plantations where a large number of unskilled and semi-skilled workers are employed. Due to the negligent use of fertilizers, pest and weed controlling chemicals and bad work practices in some plantations and there are possibilities of serious health hazards. Many different varieties of pesticides, weeddecides and fertilizers are used in the plantations and these pesticides are not transported and stored in a safe manner. In the mixing of concentrate, safety precautions are often neglected by the workers. Measuring utensils and personal protective equipment are improperly used or are not used at all, thereby causing serious exposure hazards. The enhanced use of these chemicals affects the health of the workers working in the plantation industry exposing them to the risk of various ailments relating

to skin irritation, dermatitis, asthma, bronchitis etc. Some chemicals also affect the nervous system, the nose, the ear of the workers.”

13. It is proposed in the Bill to prohibit/restrict or regulate the employment of women and adolescents for handling hazardous chemicals in plantations besides banning the employment of children below 14 years. When asked to state the mechanism in place through which these objectives will be achieved, the Ministry of Labour and Employment replied as under:

“To achieve the objective as proposed in the Bill in regard to prohibit, restrict or regulate the employment of women and adolescent for handling hazardous chemicals would be achieved by way making of rules in this regard by the State Government as proposed in sub-section 2 of section 18A of new chapter IV A”.

14. There is a ‘Industrial Committee on Plantations’ with the mandate to discuss the problems of Plantation Industry and to find solutions which also implied the welfare of plantation workers. It was last constituted on 18 August, 1998 and reconstituted on 22 July, 2002. The Committee is chaired by Union Labour Minister and is constituted as under:

(i)	Workers Representatives	=	10 seats
(ii)	Employers Representatives	=	10 seats.
(iii)	Central Government	=	4 seats
(iv)	State Governments	=	7 seats

15. The above Committee in their meeting held in March, 1985, noted that plantation industry was not extending the mandated rights and safeguards to workers relating to medical facilities. When asked to furnish details as to how the Government propose to ensure these rights to plantation workers now, the Ministry of Labour and Employment submitted as under:

“Section 10(1) of the Plantations Labour Act, 1951 provides medical facilities for workers and their families as may be prescribed by the State Government. In case employer failed to provide such medical facilities, it was experienced that the efforts of the Chief Inspector as provided under section 10(2) in providing the facilities and recovering the cost thereof have not been effective largely for reasons of lack of executive authority and insufficiency of funds required for the purpose. Therefore, to achieve the objective of providing the medical facilities as provided under section 10(1), the proposed amendment stipulated that this responsibility will be directly with the State Government to achieve the objective. The State Government will ensure the medical facilities once the request is made by the Chief Inspector”.

16. 'Labour' being in the concurrent list in the Seventh schedule to the Constitution, involvement of State Governments is there in implementation of the Plantations Labour Act, 1951. When inquired whether the suggestions of all the State Governments have been obtained in this regard, the Ministry of Labour and Employment replied as under:

"All the plantations States Governments have been participating in the meetings/consultations regarding proposed amendments to the Plantations Labour Act, 1951. A meeting of Tripartite Industrial Committee on Plantation Industry was held on 26.8.2005 where besides the representatives of the Central Trade Unions, representatives of the State Governments where the plantations are located, were also present. The proposed amendments were taken up in consultation with all the State Governments concerned. Views of the State Governments concerned were also invited on the draft Note for the Cabinet".

17. The Committee noticed that various organizations expressed their apprehension regarding viability and necessity to establish Garden and Group hospitals by the plantation management irrespective of the scale of plantation, size and strength of employment. Later the need for group and garden hospitals was not felt necessary. When asked the medical network available to plantations labour in the absence of Garden and Group hospitals, the Ministry of Labour and Employment explained as under:

"As per the information received from the Ministry of Commerce & industry, D/o Commerce, Spices, Coffee and Rubber, which are mainly having small holdings there is no need to establish garden and group hospitals by the plantation managements as their catering their needs from the nearest available hospitals by claiming reimbursement of medical expenses. However, in respect of Tea plantations, there is a concept of having Group Hospitals for the groups having tea area above 1000 hectares, for Garden Hospitals the area is from 400 hectares to 1000 hectares and tea garden having tea areas above 10 to 12 hectares the concept of establishing dispensaries is there. There are 59 Group Hospitals, 152 Garden Hospitals and 1450 dispensaries that are reported to have been established in Tea gardens. There is a shortage of 125 dispensaries".

18. Regarding the alternative arrangements in place for the plantation labour to avail of the medical facilities, the Ministry of Labour and Employment submitted that the proposed amendment makes the State Government responsible for supplementing medical care facilities, where they are inadequate.

19. The Committee pointed out that there are more than 90 per cent of the Plantations in rubber and coffee segments that fall in the category of small or very small plantations and most of the workers working there are self-employed workers. Enquired about the manner in which the benefits of the Act will flow to these workers, the Ministry replied in a post evidence written reply as under:

“Most of the workers of these plantations acquired their own housing under various schemes of the Government and live in their regular habitation. Social infrastructure like educational institutions and Hospitals under the control/support of respective State Governments and Panchayats which are already functioning in the vicinity of the coffee estates meet the usual needs of health care and education in the same manner the needs of the rest of the population in those villages are met. There is separate dispensation available to those of the workers who work on the coffee farms of such small holdings for a few days in a year. Their working on such farms is incidental. Their livelihood is not primarily dependent on the work in such small holdings”.

20. In Section 10 of the Act, the medical facilities are proposed to be extended to plantation workers through the hospitals of the State Governments on the recommendation of Chief Inspector. The cost of such expenditure will be realized from the planters. When asked whether the procedure is not cumbersome for ensuring medical treatment, the Ministry in post evidence written reply, submitted as under:

“The proposed amendment differs from the existing provisions to the extent that the responsibility of providing medical facilities has been entrusted to the State Governments in place of the Chief Inspector, as the Chief Inspectors have not been effective in having the medical facilities provided directly from the employer. This issue was also discussed in detail during the course of the meeting.

Further, the proposed amendment is only in sub-section (2) of Section 10 of the Principal Act for the Chief Inspector, the word State Government upon a request by the Chief Inspector shall be substituted as has been proposed and other provisions of sub-section(1) and (3) of Section 10 are not proposed to be changed and as per the existing provision of sub-section (3), the cost of such expenditure will be realized from the planters as such the procedure is not being made more cumbersome.”

21. When asked whether the facilities/medical infrastructure available in the hospitals of the State Governments are sufficient to treat the hazardous ailments contracted during the work in plantations, the Ministry replied as under:

“As per the provisions of the Plantations Labour Act, 1951, the responsibility of the employer is to provide for immediate medical aid to the plantation workers in case of common ailments and making available medical facilities/hospitalization in case of serious ailments. The details of facilities medical infrastructure available in the hospital of the State Governments is not available with the Ministry of Labour and Employment”

22. When asked about the reasons for not extending the ESI coverage to Plantations workers in a phased manner, particularly when the ESIC propose to extend coverage to unorganized workers also under Rashtriya Swasthya Bima Yojana, the Special Secretary, Ministry of Labour and Employment replied during the course of evidence as under:

“Essentially if you were to see how the ESI Act is structured, coverage is not uniform throughout. It has to go through a series of establishments and areas progressively. Unless the ESI coverage improves and we are able to have a better response especially in the isolated and remote areas as to how best we can do it, it cannot be said. There, the State Government will have to take stronger response in the matter.”

23. Elaborating this further, in a post evidence written note, the Ministry replied as under:

“Under Section 1(4) of the ESI Act, 1948, the provisions of the Act apply in the first instance to all factories other than “seasonal factories”. Seasonal factories have been defined in Section 2(19-A) of the Act and include Plantations. Plantations are, therefore, not covered under the ESI Act, 1948. However, under Section 1(5) of the Act, the appropriate governments are empowered to extend the provisions of the Act to any other establishments or class of establishments-industrial, commercial, agricultural or otherwise. The question of extending the provisions to plantations was considered by the Corporation in the past and the views of the State Governments of Assam, Karnataka, Kerala, Tamilnadu and West Bengal where the plantations are mainly located were called for. The State Governments of Assam, Kerala, and Tamilnadu were however not in favour of extending the scheme to plantations mainly on the ground that medical care is already provided to the workers by the employer as per the provisions of the Plantations Labour Act, 1951

without any contribution from the workers. There was no positive response from the other State Governments.

With regard to the proposal for medical care to the workers covered under the 'Rashtriya Swasthaya Bima Yojana' from under-utilized ESI Hospitals on payment of user charges, the requisite amendment in the ESI Act is still under consideration in the Parliament and till the amendment are brought into force, the ESIC cannot participate in the tender process for providing medical care to RSBY beneficiaries. After the Act is amended the Central Government can, however, frame schemes for extending medical care to other beneficiaries including plantation workers from under utilized ESI Hospitals on payment of user charges”

24. When enquired of the main plantation locations wherein the group and garden hospitals have been functioning, the Ministry informed that as far as tea is concerned the major tea growing States are Assam, West Bengal, Kerala and Tamilnadu. Invariably all the Tea gardens located in these States have garden hospitals and bigger corporate groups have well equipped group hospitals with specialist doctors.

25. When asked about the details of the evaluation of the functioning of group and garden hospitals working in the Plantations, the Ministry informed as under:

“The PLA is the central Act and it is being implemented by the concerned State Governments. For this purpose the State Governments have framed rules and established office of Plantation Inspectorate for carrying out periodical inspections to ensure implementation of various provisions of the PLA. As per the rules framed by the State Governments, the garden and group hospitals are required to furnish returns at periodic intervals and these hospitals are also being checked by the Medical Inspectors appointed by the State Governments”.

26. Regarding the assessment of the Ministry in regard to working of these hospitals, the following has been submitted:

“The working of the hospitals in well managed tea gardens has been satisfactory. However, there is a shortfall in meeting the PLA requirements in the financially weaker units”.

27. The definition of 'family' is proposed to be widened under the Act to include dependant parents and widow sister of female workers also. When asked whether it will be plausible and feasible to sustain them particularly when the cost involved on the facilities to be extended to them may be beyond financial reach of the planters, the Ministry in a post evidence note submitted as under:

“The intention behind the proposed amendment is to remove the gender bias. However, once the economic health of the plantations improves, this enhanced financial burden may not be of a very great magnitude”.

28. When enquired as to why can't there be a system wherein resources may be pooled in on an agreed proportion from planters, State Government and Union Government for providing facilities to plantation workers and their families, the Secretary, Ministry of Labour and Employment replied during the course of evidence as under:

“Sir, We have the experience of ESI and EPF that when we have this contribution coming from the employees and the employers. Also in the case of Employees Pension Scheme, from the Government there is default. If there is default, then we are running after them. Now we have an amnesty scheme in ESI till the end of this month. So, I do not find that when we agree on a fund that fund has to be maintained. Somebody has to manage that pool of resources. Then we create more bureaucracy. We did not really think of that . We do not think that is such an easy move. We start collecting contribution and then we have to chase those who do not make contribution.”

29. In their post-evidence reply on the same point, the Ministry stated as under:-

“The working conditions in the plantation areas are protected primarily by the provisions of the Plantations Labour Act, 1951. Towards social security various statutory and non-statutory benefits are provided to the Plantation Labour. The statutory benefits provided are health, education, housing drinking water, sanitation and conservancy. Child care and crèches etc. Non-statutory benefits include fuel roads, and concessional ration. The plantations industry is required to meet substantial expenditure on these statutory and non-statutory social commitments which it is increasingly finding it difficult to fund from its own resources. Due to existence of the Plantations Labour Act, the State Governments tend to ignore the welfare of plantation workers. However, the administrative Ministry i.e. Ministry of Commerce & Industry and Ministry of Labour and Employment support the proposal for a central scheme for providing social welfare facilities to the plantation workers and their families, if a suitable mechanism or scheme can be worked out.”

30. The proposed Bill *inter-alia* provides that any worker or any office bearer of trade union of which such worker is a member can lodge a complaint directly in the court of metropolitan magistrate or judicial magistrate the cognizance of which shall be taken by the court. The Committee pointed out that through this provision, the role of labour functionaries in between could be minimized and asked to comment on the issue that the direct access to court without any administrative mechanism in between could give undue advantage and an extra platform to worker wherein a few unscrupulous workers could take advantage of the situation much to the detriment of the planters. The Ministry replied in a post evidence note as under:

“The rationale behind such an amendment is that ‘Chief Inspector’ of the Plantation State rarely gives the sanction to file the complaint and that too by an Inspector alone. By this proposed amendment even an aggrieved worker or a trade union member can file a complaint.”

31. The Committee note that the primary objective of the amendment in the Plantations Labour (Amendment) Act, 1951 is to provide a safety net to plantation workers who handle the agro-chemicals particularly insecticides, pesticides and herbicides. For the purpose, a new Chapter-IV A has been proposed to be incorporated in the Act to provide safety and to minimize the risk to the health of plantation workers. Special care has also been proposed to be taken in case of women and adolescents employed in plantations. The Committee find that the Government initially brought a similar Bill as far back as in 1984 and on two more occasions subsequently. The Committee take a serious note of the fact that poor plantation workers have been deprived of some very basic amenities for over two decades from the time when some welfare measures were thought for them. The Committee welcome this step, though belatedly, taken for the welfare of plantation workers, but are skeptical about making these provisions a reality for the workers at large in the absence of a well defined and empowered monitoring mechanism with the State Governments who are directly responsible for implementing the Act. Moreover, the applicability of the Act has been restricted and only those plantations with five hectares or more of land area and employing 15 or more workers will be within the ambit of the Act. Small and marginal growers constitute a major segment of the plantation industry except tea growers. In what manner their interest

will be taken care of has been left unattended by the Government. After all, the workers working in small holdings are equally and similarly exposed to the identical risks as are the workers working in bigger plantations. Simply the provisions in the Act [Section 4 (b)] stipulating that any State Government, after approval of the Union Government can notify the extension and application of the Act to any land used or intended to be used will do no good to the workers of small land holdings as it lacks an element of certainty and has been left at the discretion of the respective State Governments. The Committee consider the interests of the workers as of paramount one, whether working individually or collectively. The Committee, therefore, strongly recommend that Government should adequately provide the safety net to the workers irrespective of the numbers who are engaged in plantations and are exposed to the hazards of pesticides, insecticides, agro-chemicals, etc.

32. The Plantations Labour Act, 1951 regulates the conditions of employment, working hours and provides for mechanism for safety, health and welfare of plantation workers. However, the Act is implemented by the respective State Governments. Plantation Inspector or the Chief Plantation Inspector has been entrusted with the responsibilities to ensure the implementation of various provisions relating to welfare of workers under the Act. However, the infrastructure of social security network is not only deficient but also differs from State to State. Although it has been proposed to provide safety net against possible health hazards due to risks associated with the growing use of agro chemicals, but no concrete mechanism has been put in place except innocuous suggestions regarding storage, utilization and handling of such substances. The manner in which it will be enforced has not been spelt out. The issue, which is so vital to the interest of the workers, should have been appropriately dealt with, definite conditions laid down like defining the role of the inspectors, level of the permissible toxicity, the manner of handling of these toxic substances by workers, duration of such handling during a day, age and experience of such workers, mandatory health check-up at periodic intervals of the workers handling these substances and necessary safeguards. It would have been appropriate had some expert in handling of these substances be associated with the inspector so as to deal with the issues more systematically and scientifically. The Committee, therefore, recommend that instead of

vague provisions leaving much to the discretion of the inspectors, it will be in the interest of the workers if the entire gamut of activities relating to handling of toxic substances by workers are taken into account systematically and stipulations made accordingly to ensure the safety of the workers so that the discretion of the inspectors is minimized and the workers get the intended benefits as is spirited in the amendment of the Act.

33. The Committee note that medical facilities are proposed to be extended to plantation workers through the hospitals of the State Governments on the recommendation of Chief Inspector. The cost of such expenditure is proposed to be realised from the planters. The only noticeable difference is the inclusion of State Government hospitals. The role of Chief Inspectors has remained unchanged. The reason given for this step is that the Chief Inspectors have not been effective in having the medical facilities provided directly by the employer. The hospitals of the State Governments are not functioning under the Chief Inspectors. In what manner and to what extent the Chief Inspector will succeed in ensuring medical facilities to workers is anybody's guess, particularly when these hospitals are located in towns or moffusils. The employers will still bear the cost of such treatment. Hence, the primary responsibility to provide medical aid to plantation workers is that of the employer. Prima facie it appears to be a workable arrangement, but impliedly it has excluded the non Governmental hospitals from the list from where treatment could have been provided. The condition of the State run hospitals leaves much to be desired and hence confining treatment of plantation workers in these hospitals only may not be appropriate. The Committee, therefore, strongly recommend that the Government should explore the possibilities where workers can directly

go to designated or empanelled hospitals including some reputed private hospitals without any involvement of Chief Inspector. The Planter can make the reimbursement to the hospital directly, whether private or Government of the expenditure incurred over the treatment of the workers subject to a ceiling which may be prescribed in this regard.

34. The Committee note that the Government is unaware about the evaluation of the functioning of the Garden/Group hospitals for providing medical services to plantation workers. Although, the Act is implemented by the State Governments, nonetheless, it is a Central Act and the Central Government is directly as well as vicariously responsible to ensure that the benefits enshrined under the Act actually do reach the targeted beneficiaries. The Committee have been apprised that, as per the rules framed by the State Governments, Garden/Group hospitals are required to furnish returns at periodic intervals and these hospitals are also being checked by the Medical Inspectors appointed by the State Governments. The Committee recommend that the Central Government must find ways and means to cross-check the claims of State Governments in regard to medical services provided to plantation workers.

35. The Committee have been informed that in view of the increasing commitment of resources on transport and road infrastructure, the isolation of plantation has been significantly mitigated and thus to that extent the need to insist on Group/Garden hospitals, irrespective of scales of plantation may not be necessary. This is an unfriendly attitude towards a worker as the absence of these hospitals will force a worker to travel somewhat longer distance to go to hospitals thereby not only forsaking his work but also incurring expenditure on items other than medical treatment. The Committee, therefore, strongly recommend that the concept of Garden/Group hospitals be appropriately strengthened and medically upgraded within the specified norms. In cases where the norms do not permit the establishment of such hospitals despite the large concentration of plantation workers (though in small holdings) the concept of dispensaries/hospitals in cooperatives be explored and all efforts should be made to provide medical treatment to workers near their workplace.

36. The Committee note that the Government proposes to widen the definition of 'family' in the Act with a view to including widow sister and dependent parents of the female plantation worker. This is a welcome move. The current social security network is very feeble and inclusion of more members without correspondingly strengthening the medical and social security network may only worsen the situation. This appears imminent in view of the fact that the cost involved on the facilities to be extended to these entrants will be met by the planters. The Government itself has admitted that the Plantation Industry is required to meet substantial expenditure on statutory and non statutory social commitments which it is increasingly finding difficult to fund from its own resources and Government supports the proposal for a Central Scheme for providing social welfare facilities to plantation workers and their families if a suitable mechanism or scheme can be worked out. The intention behind the proposed amendment has been stated to remove the gender bias regarding financial burden on planters. It has also been stated that once the economic health of the plantation improves this enhanced financial burden may not be of great magnitude. This is a very casual and perfunctory approach towards a problem which merits serious consideration and apt response taking into account the enormity of the issue. Making of provisions without concrete and practical mechanism to enforce it in letter and spirit is hollow and unimaginative exercise. The Committee, therefore, recommend that efforts should be made to

generate resources on an agreed basis to be shared by the Union Government, State Government, Planters and Plantation workers so that specific fund may be created under the Act to meet the social security obligations for all the eligible workers and their dependents.

NEW DELHI;

16th January, 2009
26 Pausa, 1930 (Saka)

SURAVARAM SUDHAKAR REDDY,
Chairman,
Standing Committee on Labour

AS INTRODUCED IN THE RAJYA SABHA

Bill No. XLIV of 2008

THE PLANTATIONS LABOUR (AMENDMENT) BILL, 2008

A

BILL

further to amend the Plantations Labour Act, 1951.

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:.

1. (1) This Act may be called the Plantations Labour (Amendment) Act, 2008.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and for different States and any reference in any such provision to the commencement of this Act shall, in relation to any State, be construed as a reference to the coming into force of that provision in that State.
2. In section 2 of the Plantations Labour Act, 1951 (hereinafter referred to as the principal Act),.

(a) in clause (e), the following *Explanation* shall be inserted, namely:.

Amendment of section 2.

.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;

Short title and commencement.

- (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;.

(b) in clause (ee), for the words .and includes, where the worker is a male, his parents dependent upon him., the words .and includes parents and widow sister, dependent upon him or her. shall be substituted;

(c) in clause (k),.

- (i) in the opening portion, after the words .manual or clerical., the words .and includes a person employed on contract for more than sixty days in a year. shall be inserted;
- (ii) in sub-clause (ii), for the words .rupees seven hundred and fifty., the words .rupees ten thousand. shall be substituted;
- (iii) in sub-clause (iii), for the words .managerial capacity, notwithstanding that his monthly wages do not exceed rupees seven hundred and fifty., the words .managerial or administrative capacity, notwithstanding that his monthly wages do not exceed rupees ten thousand. shall be substituted.

3. In section 7 of the principal Act, in sub-section (2), in clause (b), for the words .and children are, or are to be., the word .are. shall be substituted.

Amendment of section 7.

4. In section 10 of the principal Act, in sub-section (2), for the words .chief inspector., the words .State Government upon a request by the chief inspector. shall be substituted.

Amendment of section 10.

5. After Chapter IV, the following Chapter shall be inserted, namely:.

Insertion of new Chapter IVA.

CHAPTER IV A**PROVISIONS AS TO SAFETY**

- 18A.** (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.

Safety.

- (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.
- 18B.** (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...

Power of State Government to make rules.

6. In section 19 of the principal Act, in sub-section (1), the words .or child. shall be omitted.

Amendment
of section 19.

7. After section 23 of the principal Act, the following section shall be inserted, namely:.

.24. No child shall be employed to work in any plantation...

Insertion of new section 24.
Prohibition of employment of children

8. In section 25 of the principal Act,.

(a) the words .or child. shall be omitted;

(b) in the marginal heading, the words .and children. shall be omitted.

Amendment of section 25

9. In section 26 of the principal Act,.

(a) in the opening portion, the words .child and no. shall be omitted;

(b) in clause (b), the words .child or. shall be omitted.

10. In section 27 of the principal Act, in sub-section (1), the words .either as a child or. shall be omitted.

Amendment in section 27

11. After section 32B, the following section shall be inserted, namely:.

.32C. 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...

Insertion of new section 32 C Compensation

12. In sections 33, 35 and 36 of the principal Act, for the words .three months, or with fine which may extend to five hundred rupees, or with both., wherever they occur, the words .six months, or with fine which may extend to ten thousand rupees, or with both shall be substituted.

Amendment of sections 33, 35 and 36

13. In section 34 of the principal Act, for the words .one month, or with fine which may extend to fifty rupees, or with both., the words .two months, or with fine which may extend to one thousand rupees, or with both. shall be substituted.

Amendment of section 34

14. In section 37 of the principal Act, for the words .six months, or with fine which may extend to one thousand rupees, or with both., the words .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. shall be substituted.

Amendment of section 37

15. For section 39, the following sections shall be substituted, namely:.

.39. 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. 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...

Substitution of new sections for section 39

Cognizance of offences

16. In section 43 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:.

.(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”...

Protection of action taken in good faith

Amendment of section 43

STATEMENT OF OBJECTS AND REASONS

The Plantations Labour Act, 1951, provides for the welfare of labour and regulates the conditions of work in plantations. One of the major problems of safety and health in plantations arises out of the risks associated with the growing use of agro-chemicals, especially insecticides, pesticides and herbicides. At present, the Act has no provisions for safety measures and precautions to be taken for the storage, utilisation and handling of such agrochemicals. It is, therefore, considered necessary to amend the Act to provide for safeguards to be adopted in the use and handling of such substances. It is also necessary to amend the Act to enable the Central Government to prohibit, restrict or regulate the employment of women and adolescents for handling hazardous chemicals in plantations. It is, therefore, considered necessary to amend the Act to prohibit employment of children below 14 years in plantations.

2. It has been felt that in order to ensure better implementation of welfare provisions under the Act, specific targets may be fixed for provisions of certain facilities and that penalties for non-compliance of such provisions should be made more stringent. It has also been considered necessary that the Act should be amended to make provisions relating to the liability of an employer in regard to the workmen employed by a contractor engaged for the execution of work by such employer. This Act also needs to be suitably amended to modify the definition of "family", "employer" and "worker" to make such definitions broad based and gender sensitive and also to make implementation of the Act more effective.

3. The Bill seeks to achieve the above objects.

NEW DELHI;

OSCAR FERNANDES.

The 31st October, 2008.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill seeks to insert a new Chapter IV A containing provisions dealing with safety of workers. This clause seeks to insert a new section 18A which empowers the Central Government to specify the manner in which, and the conditions and limitations subject to which women or adolescents may be employed for using or handling any hazardous chemical in a plantation. This clause also seeks to insert a new section 18B which empowers the State Governments to make rules for carrying out the purposes of the said Chapter.

2. Clause 11 of the Bill seeks to insert a new section 32C to provide for the employer to give compensation to a worker in a plantation in case of accident and the Memorandum relating to such compensation shall be registered by the employer with the Commissioner in accordance with the provisions of the Workmen's Compensation Act, 1923. Clause 16 seeks to amend section 43 relating to power to make rules to provide for laying of the rules framed by the State Government, before the State Legislature.

3. The matters in respect of which rules may be made are matters of procedure and administrative details. The delegation of the legislative power is therefore, of a normal character.

EXTRACTS FROM THE PLANTATIONS LABOUR ACT, 1951

(69 OF 1951)

* * * * *

Definitions

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

* * * * *

(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;

3[(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, and includes, where the worker is a male, his parents dependent upon him;

* * * * *

(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, 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 rupees seven hundred and fifty;

(iii) any person employed in the plantation primarily in a managerial capacity, notwithstanding that his monthly wages do not exceed rupees seven hundred and fifty; or

* * * * *

7. (1) * * * * *

Certifying surgeons

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

* * * * *

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

* * * * *

10. (1) * * * * *

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.

* * * * *

CHAPTER V

HOURS AND LIMITATION OF EMPLOYMENT

19. (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 forty-eight hours a week and no adolescent or child for more than twenty-seven hours a week.

* * * * *

Weekly hours

25. Except with the permission of the State Government, no women 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.

Night work for women and children

26. No child and no 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 child or adolescent carries with him while he is at work a token giving a reference to such certificate.

Non-adult workers to carry tokens

27. (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.

Certificate of fitness

* * * * *

CHAPTER VII**PENALTIES AND PROCEDURE**

33. (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 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.

Obstruction

34. 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.

Use of false certificate of fitness

35. 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 three months, or with fine which may extend to five hundred rupees, or with both.

Contravention of provisions regarding employment of labour

36. 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.

Other offences

37. 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.

* * * * *

39. 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.

* * * * *

Cognizance of offences

43. (1) * * * * *

(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.

General power to make rules

RAJYA SABHA

A

BILL

further to amend the Plantations Labour Act, 1951

....

(Shri Oscar Fernandes, Minister of Labour and Employment)

**MINUTES OF THE TENTH SITTING OF THE STANDING COMMITTEE ON
LABOUR HELD ON WEDNESDAY, THE 17TH DECEMBER, 2008**

The Committee met from 1500 hours to 1700 hours in Committee Room No.139, Parliament House Annexe, New Delhi to have briefing by the representatives of the Ministry of Labour and Employment on 'The Plantations Labour (Amendment) Bill, 2008' and to consider and adopt draft Thirty-Sixth and Thirty-Seventh reports on 'The Employees' State Insurance (Amendment) Bill, 2008' and 'The Workmen's Compensation (Amendment) Bill, 2008'.

PRESENT

Shri Suravaram Sudhakar Reddy – CHAIRMAN

MEMBERS

LOK SABHA

2. Shri Furkan Ansari
3. Shri Ramdas Bandu Athawale
4. Shri Santasri Chatterjee
5. Shri Thawar Chand Gehlot
6. Shri Virendra Kumar
7. Shri Basangouda R. Patil
8. Smt. C.S. Sujatha
9. Shri Parasnath Yadav

RAJYA SABHA

10. Shri K. Chandran Pillai

SECRETARIAT

- | | | | |
|----|-------------------|---|------------------|
| 1. | Shri Brahm Dutt | - | Joint Secretary |
| 2. | Shri R.K. Bajaj | - | Director |
| 3. | Shri N. K. Pandey | - | Deputy Secretary |

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2. Thereafter, witnesses were called in. The Chairman welcomed the representatives of the Ministries of Labour and Employment and Commerce to the sitting and requested them to brief the Committee on various provisions of 'The Plantations Labour (Amendment) Bill, 2008'.

3. The Secretary, Ministry of Labour and Employment briefed the Committee about various provisions of the Bill. The Special Secretary made a detailed power point presentation on the existing provisions vis-à-vis the proposed amendment in the Plantations Labour Act, 1951. The Chairman and other Members of the Committee sought clarifications on several points pertaining to the Bill which inter-alia included:

- (i) Procedure for extending benefits of the Act to the self-employed workers of various Plantations.
- (ii) Feasibility of providing medical treatment to the Plantation workers under ESI Scheme.
- (iii) Viability of existing Group and Garden hospitals in the present scenario.
- (iv) Follow-up of the recommendations of the Inter-Ministerial Committee regarding health and social security network to the Plantation Workers.
- (v) Implications of extending facilities to the workers as per the widened definition of 'Family' keeping in view the financial reach of the planters.
- (vi) Provision of direct access to the courts by the workers by passing the registered trade unions without any administrative mechanism in between.
- (vii) Deliberations with stakeholders/trade unions on the various provisions of the proposed Bill.
- (viii) Rationality of proposed penalties in the Bill.
- (ix) Definition of 'Employer' as proposed in the Bill.

The representatives of the Ministry then responded to the aforesaid queries. The Chairman requested the Secretary, Ministry of Labour and Employment to send written replies of those questions whose replies were not readily available within one week to the Committee.

(The witnesses then withdrew).

4. A verbatim record of the proceedings has been kept.

5. XX XX XX

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9. XX XX XX

The Committee then adjourned.

**MINUTES OF THE TWELFTH SITTING OF THE STANDING COMMITTEE ON
LABOUR HELD ON FRIDAY, 16TH JANUARY, 2009**

The Committee met from 1200 hours to 1300 hours in Committee Room 'E', Parliament House Annexe, New Delhi to consider and adopt draft Thirty-Eighth Report on 'The Plantations Labour (Amendment) Bill, 2008'.

PRESENT

Shri Suravaram Sudhakar Reddy – CHAIRMAN

MEMBERS

LOK SABHA

6. Shri Furkan Ansari
7. Shri Thawar Chand Gehlot
8. Shri Virendra Kumar
9. Shri Basangouda R. Patil
10. Shri Rajesh Kumar Manjhi
11. Shri Chandra Dev Prasad Rajbhar
12. Shri Mohan Rawale
13. Smt. C.S. Sujatha
14. Shri Paras Nath Yadav

RAJYA SABHA

11. Shri Narayan Singh Kesari
12. Shri K. Chandran Pillai
13. Smt. Renubala Pradhan

SECRETARIAT

1. Shri Devender Singh - Joint Secretary
2. Shri R.K. Bajaj - Director
3. Shri A.S. Sajwan - Deputy Secretary-II

2. At the outset, the Chairman welcomed the Members and apprised them about the draft Thirty-Eighth Report on 'The Plantations Labour (Amendment) Bill, 2008'.

3. The Committee took up the draft Report for consideration and adopted the same with some amendments/modifications.

4. The Committee then authorized the Chairman to finalise the Report and present the same to the Hon'ble Speaker under Direction 71 A of the Directions by the Speaker, keeping in view the time limit of three months which is expiring on 30th January, 2009.

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The Committee then adjourned.