

New Labour Codes of India
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Lecture 45
Plantation Labour

Dear students, in this class we are going to discuss about the provisions of the Plantation Labour Act which is repealed and to add it to the Social Security Code of 2020. So, the Plantation Labour Act or provisions to control or regulate the working hours and other beneficial provisions for the plantation was done by the British at that point of time. So, the Britishers established various plantations like tea plantations, coffee plantations or cinchona plantations and other plantations during the British period.

So, they introduced various provisions, not only to regulate but also in their favour, the Plantation Labour Act, which is passed to regulate the working hours, to regulate wages and to regulate the age of the workers and give other social security provisions in the country.

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KEYWORDS

- Plantations Labour



Plantations Labour Act, 1951 - **Repealed**

Plantations Labour Act, 1951 - Repealed

Objective:

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

Repealed under section 143 of the Occupational Safety, Health and Working Conditions Code, 2020

And the Act has been repealed and also these relevant provisions were included in the Occupational Safety, Health and Working Conditions Code 2020. So, we will see what are those provisions. So, the plantations include the definition which includes tea plantations and coffee plantations, and also we will see the definition, later on, the elaborate definition which is provided under the Act.

So, the old repealed Act very clearly says that the objective of the Act is to provide the welfare of labour and to regulate the conditions of work in plantations. So, one is welfare provisions and other is the regulating the working conditions in the plantations.

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Occupational Safety, Health and Working Conditions Code, 2020

Occupational Safety, Health and Working Conditions Code, 2020

Objective:

- An Act to **consolidate and amend the laws** regulating the **occupational safety, health and working conditions** of the persons employed in an establishment for matters connected therewith or incidental thereto.

Important Definitions

- 2(zx) **“Plantation”** means—
 - a) Any land used or intended to be used for—
 - i. Growing **tea, coffee, rubber, cinchona** or **cardamom** which admeasures **5 hectares or more**;
 - ii. Growing **any other plant**, which admeasures **5 hectares or more** and in which **persons are/were employed on any day of the preceding 12 months**.
 - b) Any land, used or intended to be used for growing any plant admeasuring **less than 5 hectares**, which the **State Government may notify**.
 - c) **Offices, hospitals, dispensaries, schools** and **any other premises** used for any **purpose connected with any plantation but does not include factory on the premises**.

And we will see both the provisions in the old Act as well as the new Act and also here the new Act says that, so, to consolidate and amend the law on occupational safety, health and working conditions of the people in establishments, so, also which includes the plantation as well. So, we were talking about the definition of Plantation.

So, the definition of plantation includes tea plantations, coffee plantations, rubber plantations, cinchona plantations, and cardamom plantations, and that area is about 5 hectares or more, then only to be considered as a plantation. So, otherwise, it is not going to be considered as a plantation. So, for this particular class of plants, if you grow more than 5 hectares then only it is be classified as a plantation.

So, the people who are working in these plantations will be considered as plantation workers and if it is less than 5 hectares, so, the state government can notify them from time to time.

So, the plantations to be organized in hospitals, dispensaries, schools and other premises, which is connected with that also will be known as the within the definition of Plantation. So, but it does not include a factory and if there is a factory within the plantation for processing purposes, for example, a tea factory or curing coffee.

So, that will be considered as a factory within the premises of the plantation. So, the plantation Labour Act is not applicable to the people who are working in the factory. So, the Factories Act will be applicable to such factories and the plantation Labour Act is applicable to other establishments like schools, hospitals and dispensaries or other offices working in the plantation which is connected with.

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So, we said that tea plantations, coffee plantations, cardamom plantations, and rubber plantations are also included within the definition.

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Important Definitions

- 2(v) “**Establishment**” means—
 - (ii)plantation, in which **10 or more workers are employed**;

- 2(za) “**Hazardous Process**” means any **process** or **activity** in relation to plantation **specified in the First Schedule** where, unless special care is taken, raw materials used therein or the intermediate or finished products, bye-products, hazardous substances, wastes or effluents thereof or **spraying of any pesticides, insecticides or chemicals used therein**, as the case may be, would—
 - i. Cause material impairment to the health of the persons engaged in or connected therewith, or
 - ii. Result in the pollution of the general environment;

Important Definitions

- “**adolescent**” shall have the same meaning as assigned to it in section 2(i) of the *Child and Adolescent Labour (Prohibition and Regulation) Act, 1986*, “adolescent” means a person who has completed his 14th year of age but has not completed his 18th year;

- “**adult**” means a person who has completed his 18th year of age;

Important Definitions

- “**worker**” means any person employed in any establishment to do any **manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward**, whether the terms of employment be **express or implied**, but does not include any such person—
 - i. who is subject to the **Air Force Act, 1950**, or the **Army Act, 1950**, or the **Navy Act, 1957**; or
 - ii. who is employed in the **police service** or as an **officer or other employee of a prison**; or
 - iii. who is employed mainly in a **managerial or administrative** capacity; or
 - iv. who is employed in a **supervisory** capacity drawing wage exceeding 18 000/- per month or an amount as notified

Important Definitions

- “**employer**” means a person **who employs**, whether **directly or through any person, or on his behalf, or on behalf of any person, 1 or more employees** in his establishment and where the establishment is carried on by any Department of the Central/State Government, **the authority specified or the HOD** and in relation to an establishment carried on by a local authority, the **CEO** of that authority, and includes,—
- i. In relation to a factory, the **occupier** of the factory;
 - ii. In relation to mine, the **owner** of the mine, **agent or manager**
 - iii. In relation to any other establishment, the person who has **ultimate control over the affairs** of the establishment and where said affairs are entrusted to a manager or managing director, such **manager or managing director**;
 - iv. **Contractor**; and

So, and also we can see that the definition of establishment which includes a plantation in which 10 or more workers are employed. So, there is a hazardous process that is also related to plantation, hazardous process. This process is mentioned under the first schedule. And basically, it is related to some kind of spraying of insecticides and chemicals, the use of chemicals etc.

So, these kinds of use of these pesticides and chemicals used may impair some kind of health hazards to the person engaged in that particular activity in the plantation and also activities which result in pollution of the environment also be considered as a hazardous process. So, basically in the plantation, the most common hazardous process is the spraying of insecticides, spraying of pesticides that will be considered as a hazardous process and also this very specifically the traditional labour Act gives the definition of adolescent.

So, it says that adolescent means section according to section 2(1) of the Child and Adolescent Labour Prohibition Regulation Act of 1986. So, adolescent means, who is a person who has completed the age of 14 years of age, but has not completed the age of 18. So, that means 15 to 18 will be considered as an adolescent and an adult means, who has completed the age of 18 and we already saw the definition of a child below the age of 14.

So, here worker, the plantation worker, the plantation worker in groups, who are doing manual work and skilled technical, operational, clerical or any supervisory work and within terms, the working terms can be expressed or implied. So, this is not applicable to the Air Force army or navy and also police services and so we already saw the worker and workman the two definitions, and here anybody who is working under the capacity and drawing wages

exceeding 18,000 rupees will not come under the definition of worker, we saw the definitions of worker and workman earlier as well.

So, here the employer with regard to this planation also very clear who is in charge on behalf on behalf of the employer also will come under the definition of employer and in the case of government establishments, any authority or head of the department or the CEO in case of the factory it is occupier or any other authorized person or agent or manager.

So, whoever has the ultimate control over the affairs of the establishment can be considered as the employer and even the contractor can be considered as the employer in this particular case as well.

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Registration of Establishment(Plantation)

- ❑ Every employer of any establishment shall, **within 60 days(or such further time with late fees)** from the date of such applicability of this Code, **make an application electronically to the registering officer appointed by the appropriate Government for the registration of such establishment.**
- ❑ After the receipt of an application, the registering officer **shall register the establishment and issue a certificate of registration electronically** to the employer.
- ❑ If the **registering officer fails to register** an establishment, then, such establishment **shall be deemed to have been registered** under this Code immediately on the expiration of such period and the **electronic certificate of registration shall be auto generated** and the responsibility of such failure shall be on the registering

Registration of Establishment(Plantation)

- ❑ **Any change in the ownership or management** shall be intimated by the employer electronically to the registering officer **within 30 days** and thereafter the **registering officer shall make amendment in the certificate of registration electronically.**
- ❑ The employer of an establishment shall, **within 30 days** of the **closing** of the establishment—
 - a) Inform the closing of such establishment; and
 - b) Certify payment of all dues to the workers employed in such establishment,and the registering officer shall, on receiving such information and certificate **remove such establishment from the register of establishments maintained by him and cancel the registration certificate of the establishment within 60 days** from the receipt

Registration of Establishment(Plantation)

- ❑ If the **registering officer fails to cancel the registration** certification, the registration certificate of such establishment **shall be deemed to have been cancelled** and the cancellation of registration certificate shall be auto generated and the responsibility of such failure shall be on the registering officer.
- ❑ If an employer of an establishment
 - a) Has obtained the registration of his establishment by **misrepresentation or suppression of any material fact**, or
 - b) Has obtained the registration of his establishment so **fraudulently or otherwise** that the registration has become useless or ineffective to run the establishment,

Then....

Registration of Establishment(Plantation)

- ❑ Then, in case of clause (a) such misrepresentation or suppression of any fact **shall be deemed to be the contravention** of this Code for prosecution employer under **section 94 without affecting the registration and running the establishment**
- ❑ and in case of clause (b) the registering officer may, **after giving an opportunity to the employer of the establishment to be heard, revoke the registration** order and such revocation shall be completed by the registering officer within 30 days.

Registration of Establishment(Plantation) - Appeals

- ❑ Any person aggrieved by an order, **within 30 days(or such further time sufficient cause)** from the date on which the order is communicated to **prefer an appeal to an appellate officer** notified in this behalf by the appropriate Government.
- ❑ On receipt of an appeal, the appellate officer shall, **after giving the appellant an opportunity of being heard, dispose of the appeal** within 30 days from the date of receipt of such appeal.

So, the Plantation Labour Act very clearly says that every plantation must be registered. So, now, the registration must be done electronically. So, this registration is now mandatory for every plantation and a Certificate of Registration again, now, it is to be electronically done, so it will be given to the person who is applying for the registration and complying with the terms and conditions.

So, if the registering offices failed to register an establishment then such establishment shall be deemed to have been registered. So, that means an auto-generated certificate will be given to the applicant after a period of time. So, if the registering officer is failed to do so, within that particular period of time, and here any change in ownership should be reported back to the registered establishment within 30 days.

So, that means, the Registering Officer shall change the ownership rights. So, even if the employer closes the plantation within 30 days he should inform the registration authority or such closing of the establishment and all dues to the workers and employees should be paid within 30 days. And so, that the registering officer will establish from the register within 60 days of such registration from the register of plantations.

So, if again in the case of the registering officer failed to do so, then it will be deemed to have been cancelled. So, if the registering officer is not giving a certificate of closing or cancellation, that will be a deemed cancellation. So, the deemed cancellation can only be cancelled only in the case of misrepresentation or suppression of any material fact or fraudulently obtained such registration certificate, then only the Registering Officer can cancel such registration.

So, here in case of misrepresentation or suppression of a material fact shall be deemed to be in contravention of the provisions a prosecution shall be initiated. The prosecution shall be initiated by the registration authority under such applicants. So, definitely, the applicant must be the registering officer and should be given the opportunity of being heard by the applicant and then revoke the registration within a period of 60 days.

And then the appellate authority is always available for the decision of the registration authority appeal should be disposed of within a period of 30 days accordingly.

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Prosecution of the employer under **section 94**

- ❑ If there is any **contravention of the provisions** of this Code or regulations or rules, or bye-laws or any of standards or of any order in writing given under this Code or such regulations or rules or bye-laws or standards, **the employer or the principal employer of the establishment, shall be liable to penalty** which shall not be less than **2-3 lakhs rupees**.
- ❑ If the **contravention is continued after the conviction**, then, with **further penalty** which may extend to **2 thousand rupees for each day** till such contravention continues.

And, if so, we already said that the prosecution of the applicant in accordance with section 94 The contravention of the provisions of this code any provisions of this particular code, the employer or the principal employer of the establishment shall be liable to pay the penalty. So, that means, if now the conviction or the penalty has been increased to 2 to 3 lakh rupees.

So, if any provisions contravene, there is a huge penalty is imposed. So, if the contravention is continued after the conviction also, then a further penalty of 2000 rupees per day for each noncompliance will be applicable to the employer or the principal employer. So, now, the violations or supplying material facts are suppressed or fraudulently obtaining a registration certificate is going to have a huge fine of 2 to 3 lakh rupees.

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Facilities for Workers in Plantation (Part VIII)

- ❑ The State Government **may prescribe requiring every employer to make provisions in his plantation for-**
 - a) Necessary **housing accommodation** including **drinking water, kitchen and toilet** to every worker employed in the plantation (including his family);
 - b) **Crèches facilities** where in the plantation **50 or more workers** (including workers employed by any contractor) are employed or were employed on any day of the preceding 12 months;
 - c) **Educational facilities** for the children (between **ages of 6-12**) of the workers employed, **exceed 25 in number**;
 - d) **Health facilities** to every worker employed in the plantation (including his family) or provide coverage under the ESI Act, 1948; and
 - e) **Recreational facilities** for the workers employed in the

Facilities for Workers in Plantation (Part VIII)

- ❑ An employer of a plantation **shall be responsible to provide and maintain welfare facilities** for which the workers in the plantation are entitled under Code **either from his own resources or through the schemes** of the Central Government or State Government, Municipality or Panchayat for the locality in which the plantation is situated.

And what are the facilities? So, in a very plantation the employer has to arrange certain facilities for the workers and the foremost duty of the employer is to arrange necessary accommodations for the employees bringing water to the housing kitchen and toilet.

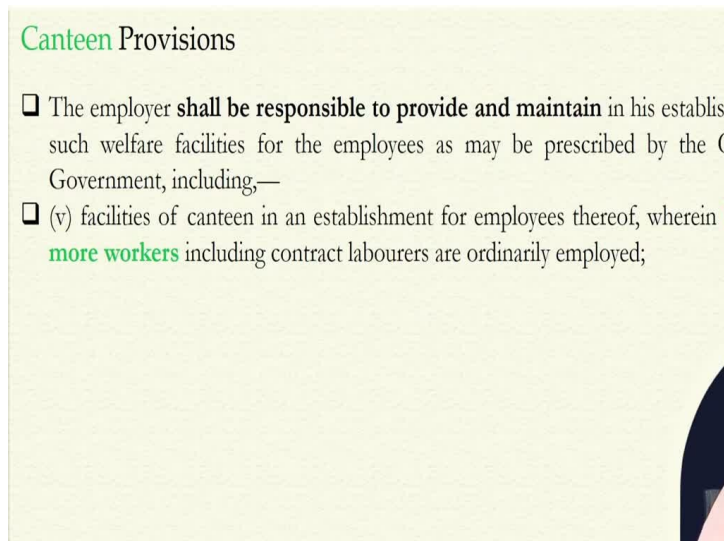
So, this accommodation is available not only to the worker and his or her family as well in the case of there being 50 or more workers on the plantation then there must be a creches facility. Creches facility must be provided if there are 50 or more workers. And then again, there must be education facilities for the children of the workers employed.

So, education facilities are usually run by the more number of plantations and health facilities to be provided by the plantation if there is no ESI facility available under the ESI Act of 1948.

So, in these plantation areas, you can find hospitals, and you can find schools, which was even at the time of Britishers time, they have established schools, proper schools at that period of time and also the employer to provide recreational facilities to the workers employed in the plantation.

So, it is the accommodation, creches facilities, education facilities, health facilities, recreational facilities, all these are the duty of the employer to provide. And also other welfare facilities is because he can provide them under his own resources or through the central government schemes or state government schemes or other local authority schemes so he can make the provision for this one, for example, a playground can be constructed with the help of local authorities. So it can be done in collaboration with appropriate governance.

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Canteen Provisions

- ❑ The employer **shall be responsible to provide and maintain** in his establish such welfare facilities for the employees as may be prescribed by the C Government, including,—
- ❑ (v) facilities of canteen in an establishment for employees thereof, wherein **1 more workers** including contract labourers are ordinarily employed;

And also the employer is to provide and maintain welfare facilities prescribed by the central government and facilities have mostly the facilities of canteen facilities where more than 100 and more workers are working in a period of the calendar year. So, a canteen facility where more than 100 people are working is provided by the plantation.

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Hours of Works

- ❑ **No worker shall be required or allowed to work**, in any establishment or class of establishment for more than—
 - a) 8 hours in a day; and
 - b) The period of work in each day under clause (a) shall be so fixed, as not to exceed such hours, with such **intervals and spread overs**, as may be notified
- ❑ **No worker shall be allowed to work** in an establishment for more than 6 days in any 1 week.
- ❑ There shall be paid wages at the rate of twice the rate of wages in respect of overtime work.
- ❑ There shall be displayed and correctly maintained in every establishment a notice of periods of work, showing clearly for every day the periods during which workers may be required to work in

And also here you can see that there is a specific timeframe mentioned no worker shall be made to work for more than 8 hours per day. Now, under the plantation, the working hours are restricted to 8 hours. So, the period of work shall be fixed and not exceeding 8 hours and no workers shall be made to work more than 6 days in a week.

That means, there must be one compulsory paid weekly holiday must be there for taking the rest of the workers and there shall be displayed correctly and maintained every establishment notice of period of works, there must be notice of period of works and also work in accordance with this particular code. So, a notice board must be there.

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Annual Leave with Wages

- ❑ Every worker employed in an establishment shall be entitled for leave in a calendar year with wages subject to the following conditions, namely:—
 - i. That he has worked 180 days or more in such calendar year;
 - ii. That he shall be entitled for 1-day leave for every 20 days of his work, in the case of adolescent worker for 15 days of his work,
 - iii. Any period of layoff, maternity leave or annual leave availed by such worker in such calendar year shall be counted for calculating the period of 180 days or more under clause (i), but he shall not earn leave for the period so counted;
 - iv. Any holidays falling between the leave availed by such worker shall be excluded from the period of leave so availed;

And also the workers are entitled to annual leave with wages. Every worker is entitled to annual leave wages and you can see that this shall be one day of leave for every 20 days of his completed work. So, in the case of adolescent workers, that is 15 days for every one day for every 15 days in the case of adult workers one day for every 20 days of his work and you can see that it will be calculated in the calendar year for 180 days.

And in the period of layoff period of maternity leave, and annual leave so, this is also to be taken into consideration for calculating the period of 180 days. So, these periods like layoff maternity benefit is included within the purview of 180 days. So, also any holidays, and public holidays also can be considered as within the period of this 180 days and public holidays you can say that other leaves can be excluded from these particular 180 days.

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Safety - Use, Handling, Storage and Transport of Insecticides, Chemicals and Toxic substances

- ❑ In every plantation, **arrangement shall be made by the employer** to provide for the **safety of a worker** in connection with the **use, handling, storage and transport of insecticides, pesticides and chemicals and toxic substances**.
- ❑ State Government may prescribe for **special safeguards for employment of women or adolescents in using or handling hazardous chemicals**.
- ❑ Employer of a plantation **shall appoint persons** possessing the **prescribed qualifications to supervise the use, handling, storage and transportation of insecticides, chemicals and toxic substances** in his plantation.
- ❑ Every employer of a plantation **shall ensure** that every worker so employed in plantation, **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

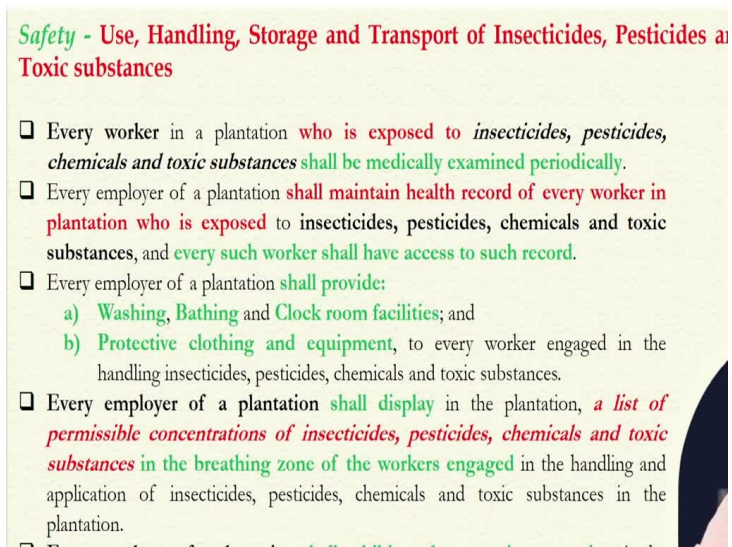
And also here are proper safety measures to be taken by the employees and also provided by the employees in the case of transport of insecticides, pesticides and chemicals and toxic substances. Because in plantations mostly the pesticides are used, the pesticides are sprayed. So, in that case, an arrangement shall be made by the employer to provide the safety of workers and use handling storage transport of insecticides and usually, the employees should provide appropriate gloves and appropriate masks during the spray.

And also appropriate uniforms are provided for spraying using these particular pesticides. And special safeguard mechanism should be for safeguards for the employment of women or adolescents in using handling of chemicals. Usually, adolescents are not permitted to use the or spray or handle these hazardous materials and also the plantations are employed to appoint

such kind of people, experienced people to supervise the handling storage and transportation of insecticides and pesticides.

And also the employer to every worker should be made aware of the hazards which are involved or related to the use of these particular chemicals, pesticides, and also the various safety measures also and practice also to be adopted in case of any kind of emergencies then using these toxic substances or hazardous materials or chemicals or even pesticides. So there is a duty on the part of the employer to provide sufficient safety materials at the same time. The employees also have to take sufficient safety precautions for using these chemicals.

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Safety - Use, Handling, Storage and Transport of Insecticides, Pesticides and Toxic substances

- ❑ Every worker in a plantation **who is exposed to insecticides, pesticides, chemicals and toxic substances shall be medically examined periodically.**
- ❑ Every employer of a plantation **shall maintain health record of every worker in plantation who is exposed to insecticides, pesticides, chemicals and toxic substances, and every such worker shall have access to such record.**
- ❑ Every employer of a plantation **shall provide:**
 - a) **Washing, Bathing and Clock room facilities;** and
 - b) **Protective clothing and equipment,** to every worker engaged in the handling insecticides, pesticides, chemicals and toxic substances.
- ❑ Every employer of a plantation **shall display** in the plantation, **a list of permissible concentrations of insecticides, pesticides, chemicals and toxic substances in the breathing zone of the workers engaged** in the handling and application of insecticides, pesticides, chemicals and toxic substances in the plantation.

At the same time, you can say that the people who are handling these pesticides or insecticides chemicals and the other substances are subjected to periodical medical treatment or medical examinations. So, every employer should keep also a health report of every worker on a plantation and also the employer must provide washing facilities, bathing facilities and clock room facilities.

So, in the case of specialized works, especially during pesticide use, the employer should provide protective clothing and equipment which is applicable to such kinds of sprays and also the employer should in the plantation display a list of permissible concentrations of insecticides that is a spraying concentration to be mentioned in a particular board.

So, and also what is the limit of use of these toxic substances at the same time, the employer should also use a precautionary notice and what are the consequences of using this particular pesticide to be mentioned in the notice board?

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Duty of Employer

- ❑ The duties of an employer shall particularly in respect of plantation include:
 - d) Maintenance of all places of work in the workplace in a condition that is safe and without risk to health and the provision and maintenance of such means of access to, and egress from, such places as are safe and without such risk;
 - e) Provision, maintenance or monitoring of such working environment in the workplace for the employees that is safe, without risk to health as regards facilities and arrangements for their welfare at work.

Duty of Employer

- ❑ Every employer shall, relating to plantation, **ensure and be responsible for the safety and health of employees, workers and other persons who are on the work premises of the employer, with or without his knowledge**, as the case may be.
- ❑ The duties of an employer shall particularly in respect of plantation include:
 - a) Provision and maintenance of plant and systems of work in the workplace that are safe and without risk to health;
 - b) Arrangements in the workplace for ensuring safety and absence of risk to health in connection with the use, handling, storage and transport of articles and substances;
 - c) Provision of such information, instruction, training and supervision as are necessary to ensure the health and safety of

So, the duties of the employer include again maintenance of all places of work and workplace in safe and free from risk and health risk to health and other provisions of maintenance and also monitoring of the working environment. So, the workplace to be safe and without any risk to the health of these workers. So, it is the duty of the employer to see that the workplace is free from health hazards.

And also we can say the employer must ensure that and also responsible for the safety and health of employees in the work premises also it is the duty of the employer to maintain the plant and systems work in safe and without risk to health, because if you take any kind of plant for example, coffee, the coffee curing plants, the case of tea, there will be these

different types of machinery which are used especially the factories, the processing factories and the cardamom also there is cardamom dryers are used in every cardamom plantations.

So, safety precautions should be taken by the employer. And also we can see that any kind of information, instructions or training to be provided or this can be done only under proper supervision in order to ensure the health and safety of the employees involved. So, all these are the employer's duties.

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Notice of certain accident in the Plantation

- ❑ Where at any place in an establishment, an accident occurs which **causes death**, or which **causes any bodily injury** by reason of which the person injured is **prevented from working for a period of 48 hours or more** immediately following the accident or which is of such nature as may be prescribed, then,—
 - ❑ The employer of a plantation, **shall send notice thereof to such authorities**, in such manner and within such time, as may be prescribed by the appropriate Government.
- ❑ Where a notice relates to an accident **causing death** in a plantation, **the authority** to whom the notice is sent **shall make an inquiry** into the occurrence **within 2 months** of the receipt of the notice or if **there is no such authority**, the **Chief Inspector-cum-Facilitator** shall **cause the Inspector-cum-Facilitator** to make an inquiry.

And it is the duty of the employer to report any kind of accident on the plantation to the appropriate authorities. So, and also he should send a notice to the authorities and he should inform the appropriate government of any kind of accident which is happened, which is causing death on the plantation and also such authorities should conduct an inquiry into the occurrence of such accidents within 2 months.

And if such an authority is present, and the employee should inform the Chief Inspector or Facilitator, a Chief Inspector cum Facilitator can make an inquiry into such kind of accidents. So, earlier their name was plantation inspectors now they become Inspector cum facilitators. So, there are no more plantation inspectors.

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Medical Officer in a Plantation and his Duties

- ❑ The appropriate Government may appoint medical practitioners for the purposes of this Code in relation to plantation.
- ❑ Duties of the medical officer:
 - a) **Exercise of such medical supervision** for any plantation, where **cases of illness have occurred** which it is **reasonable to believe are due to the nature of any process carried on or other conditions of work prevailing** in such establishments;
 - b) **Examination and certification of adolescent** for the purpose of ascertaining his fitness for employment in plantation **in any work which is likely to cause injury to their health.**

Welfare Officer in a Plantation

- ❑ The employer shall be responsible to provide and maintain in his establishment such welfare facilities for the employees as may be prescribed by the Government, including,—
- ❑ The appointment of **welfare officer** in every plantation wherein **250 or** more workers are ordinarily employed and the qualification, conditions of service and duties of such welfare officer;

And it is the duty of the employer to appoint medical officers in plantations. So, and also undergoing medical examinations, medical supervision, medical examinations and every examination and certification of adolescent people. So, to be conducted in the periodical examination of workers to be conducted on the plantation is the duty of the employer.

And also it is the duty of the employer to appoint such a number of welfare officers. In case of there is 250 or more workers are employed. A qualified welfare officer to be appointed in every plantation.

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Some Special Powers of Inspector-cum-Facilitators regarding Plantations

- Subject to any rules made in this behalf, an Inspector-cum-Facilitator may
 - Examine the crops grown in any plantation or any worker employed there
 - Require the production of any register or other document maintained in pursuance of this Code, and
 - Take on the spot or otherwise statement of any person which he may consider necessary for carrying out the purposes of this Code relating to plantation

And in the case of plantations, the Inspector-cum-Facilitator also have certain special powers. So he can enter into the facilities, enter into any part of these factories, and examine the crops grown on any plantation. And also, he can ask for any documents or books kept by the employer in accordance with the particular code, for example, the muster rolls or the payment registers, wages registers, bonus registers and a number of bookkeeping to be done by the employer. So the Plantation Inspector earlier, now the Inspector cum Facilitator has the authority to enter into these premises and also check into these kinds of documents.

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Code on Social Security, 2020

Compensation in case of death of or injury in Plantation

- ❑ If **death** or **injury** is caused to any worker or a member of his family as a result of the **collapse of a house provided by the employer in a plantation**, and the **collapse is not solely and directly attributable to a fault on the part of any occupant of the house or to a natural calamity**, the employer shall be liable to pay compensation.
- ❑ “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, and includes a person employed on contract for **more than 60 days in a year**, but does not include:
 - ❑

So we will see quickly the provisions in the new code Occupational Health code. So, here is the Occupational Health Code which provides for compensation in case of death or injury in the plantations. So, the Employees Compensation Act is made applicable to his plantations aspect. So, in the case of death or injury or collapse of the houses on the plantation due to the fault of the employer, then the employer shall be liable to pay compensation.

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Compensation in case of death of or injury in Plantation

- ❑ **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 the amount as determined by the appropriate Government, by notification, from time to time;
 - iii. Any person employed in the plantation primarily in a **managerial or administrative capacity**, **notwithstanding that his monthly wages do not exceed** the amount as determined by the appropriate Government, by notification, from time to time;
 - iv. Any person temporarily employed in the plantation in any work relating to the construction, development or

And in the definition of a worker earlier also we saw that, but in the case of a medical officer is not considered to be a worker in a plantation and in the managerial capacity or administrative capacity.

So, they are not going to be covered or the purview of the definition of worker and purple those who are temporarily employed for the purposes of construction development or

maintenance of buildings, roads, bridges, drains or canals also will not come out of the purview of the remuneration of workmen or worker within the plantation also.

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Applicability of various Chapters

Chapter No. & Heading	Applicability
III – Employee's Provident Fund	Every establishment in which 20 or more employees are employed.
IV – Employee's State Insurance Corporation	Every establishment in which 10 or more persons are employed other than a seasonal factory: Provided further that an employer of a plantation, may opt the application of Chapter IV in respect of the plantation by giving willingness to the corporation, where the benefits available to the employees under that Chapter are better than what the employer is providing to them:

Applicability of various Chapters

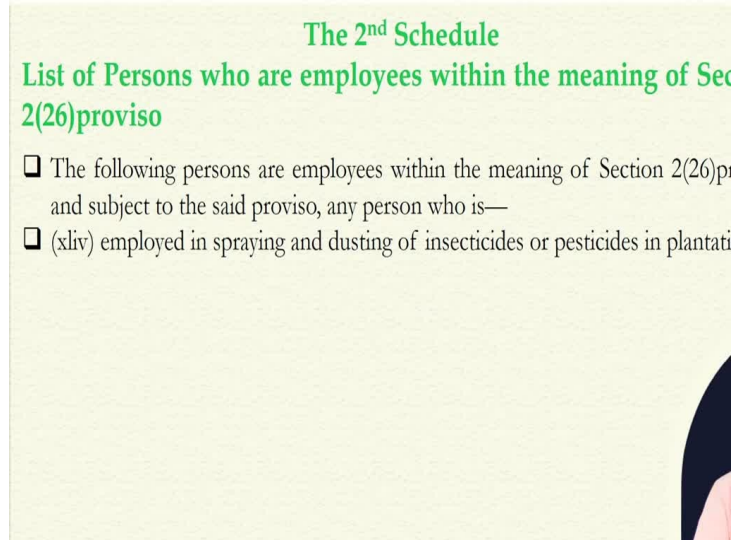
Chapter No. & Heading	Applicability
V - Gratuity	Every plantation
VI – Maternity Benefit	To every establishment being a plantation including any such establishment belonging to Government;
VII – Employee's Compensation	Subject to the provisions of the Second Schedule, it applies to the employers and employees to whom Chapter IV does not apply.

And the new code has made applicable the employees' provident fund to the plantation where more than 20 employees are employed. It is also made applicable to Employees Insurance Corporation ESI Act also. So, the ESI provisions are made applicable to plantations where 10 or more persons are employed.

And also the plantations factories also will be covered under the purview of these particular provisions, that is the Employee's Provident Fund Act as well as the ESI Act. And every plantation worker is eligible to get gratuity at the time of termination or ceasing employment

or at the time of superannuation. Every plantation worker is eligible for maternity benefits and also they are eligible to get employee compensation.

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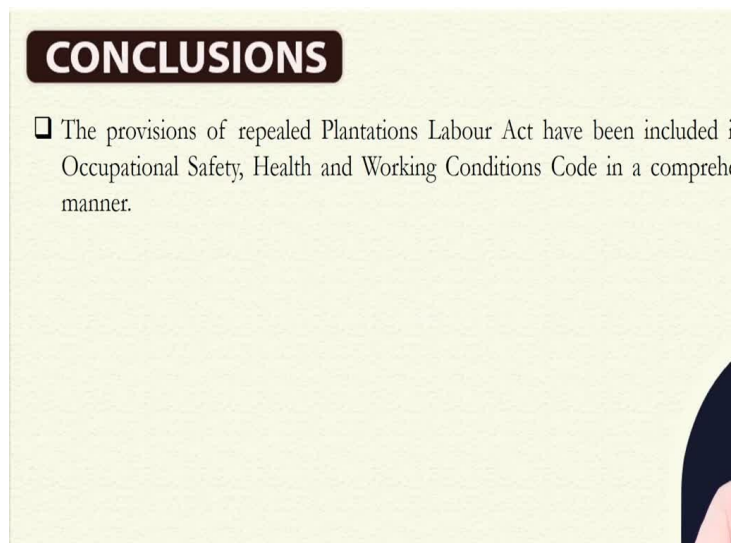
The 2nd Schedule

List of Persons who are employees within the meaning of Section 2(26) proviso

- ❑ The following persons are employees within the meaning of Section 2(26) proviso and subject to the said proviso, any person who is—
- ❑ (xiv) employed in spraying and dusting of insecticides or pesticides in plantation

So, here, a list of persons who are employees are mentioned. So, who will come under the definition of employees, we already said that in the definition of workmen and employees, the employees include a wider ambit and more number of people are included in the ambit of employees.

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CONCLUSIONS

- ❑ The provisions of repealed Plantations Labour Act have been included in the Occupational Safety, Health and Working Conditions Code in a comprehensive manner.

REFERENCES

- Plantations Labour Act, 1951 - **Repealed**
- Occupational Safety, Health and Working Conditions Code, 2020

So, we can see that the earlier provisions of the Plantation Labour Act have been included in the Occupational Safety and Health Working Conditions Code in a comprehensive manner added to the new code. And moreover, the social security provisions like Provident Fund Act, ESI Act and also the Employees Compensation Act is also made applicable to the plantation industry.

So, these elaborate provisions are going to help the plantation workers in the future and also once the Occupational Safety, Health and Working Conditions Code is made applicable and also going to be notified by the government very soon. Thank you.