



श्रम एवं रोजगार मंत्रालय
भारत सरकार
श्रम शक्ति भवन, रफी मार्ग,
नई दिल्ली-110119
MINISTRY OF LABOUR & EMPLOYMENT
GOVERNMENT OF INDIA
SHRAM SHAKTI BHAWAN, RAFI MARG,
NEW DELHI-110119

215

No. S-11016/2/2008-IR (PL)

New Delhi, the 18th August, 2008

Subject: Non-implementation of the provisions of Plantations Labour Act, 1951 -
W.P. No. 365/2006 filed in the Supreme Court by the International Union
of Foods & Ors. Vs. Union of India & Others - reg.

Sir,

As you are aware, the conditions of the workers in the plantations are governed by the Plantations Labour Act, 1951 (PLA) and the rules promulgated by the State Governments thereunder. The PLA is unique social security legislation as it requires the employers to provide various basic amenities, such as, medical, housing, sickness and maternity benefits and other forms of social security measures to the workers and their families working and residing in the various plantations. Although PLA is a Central Act, the implementation of this Act rests with the respective State Governments where plantations are located.

2. A writ petition (W.P. No.365/2006) under Art. 32 of the Constitution of India has been filed in the Hon'ble Supreme Court by the International Union of Foods & Ors. impleading the Central Government and its agencies and also the State Governments where the plantations are located. Inter-alia, the issues raised in the Writ Petition pertain to seeking a direction from the Supreme Court to the Central Government to take over the management and control of the tea plantations and their units and to take immediate and necessary steps for recovery of entire dues of the workers, timely settlement of claims and payment of dues to workers relating to provident fund and minimization of default in payment by the management of Tea Gardens, payment of dues under the Payment of Wages Act, 1936, the Minimum Wages Act, 1948 and the Workmen Compensation Act, 1923, implementation of recommendations of the Inter-ministerial Committee on Plantation Sector constituted by Ministry of Labour in 2003, strict enforcement of provisions of PLA 1951, extension of National Rural Employment Guarantee Act to the Tea Gardens, providing interim relief to the tea workers by granting them Antyodaya Anna Yojana Card (as applicable in State of West Bengal) etc.

3. As it is evident from above, the writ petition under reference has highlighted the failure of the employer to make available facilities provided for under the provisions of the PLA, 1951. At the same time, there are provisions of welfare that need to be certified/prescribed by the State Governments concerned. Thus the State Governments have a prescriptive role in addition to their regulatory duties. Kind attention of the State Government is hereby invited to Section 41 of the PLA 1951 which empowers the Central Government to give directions to the Government of any State to carry into execution in the State the provisions contained in this Act.

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- 99 -

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4. Pending the final outcome of the above mentioned writ petition, it has been found expedient to issue guidelines by the Central Government under Section 41 of the Act to the State Governments so that they may take all necessary steps for effective implementation of the provisions of Sections 8 to 15 of the Plantations Labour Act, 1951 which enjoins upon the employer to provide drinking water, conservancy, medical facilities, canteens, crèches, recreational facilities and educational facilities to the plantation workers and their families; and where such facilities are not being made available to the workforce due to sickness, financial problems etc. which are beyond the control of the managements, to augment and supplement the same. This may be done by converging the benefits under various Centrally Sponsored Employment Generation and Welfare Schemes with various developmental schemes of State Governments concerned. It is clarified that this will be treated as supplementary measures on the part of the State Governments till the financial health of the Tea Gardens improves and thus there is no intention of the Central Government to dilute the essential responsibility of the employer to provide certain basic amenities such as housing, medical and educational facilities to the workforce under the PLA Act, 1951.

5. It is further requested that the State Government concerned may extend the health services being provided by the Primary Health Centres (PHCs) to the workers and their families in the closed and sick Tea Gardens till their financial health improves.

6. The Tea Act, 1953, Section 10(2)(l) provides for securing better working conditions and the provisions and improvement of amenities and incentives for the workers. In view of the statutory responsibility of the Tea Board, Ministry of Commerce & Industries which implements the Tea Act, 1953, the Government of India has also decided to establish the monitoring mechanism under the aegis of the Tea Board, Ministry of Commerce & Industries. The Tea Board shall get in touch with the State Governments concerned where the tea plantations are located and compile the status report with regard to implementation of various provisions of the Plantation Labour Act in respect of provisions of basic amenities to the workers in all the Tea Gardens in various States. After compilation of the status report, the Tea Board will submit the periodical reports to the Central Government, i.e. Ministry of Commerce & Industry and Ministry of Labour & Employment on the status and remedial measures taken by State Governments, if any. It is requested that the State Government concerned may kindly extend all necessary support and requisite inputs to the Tea Board for effective monitoring of the implementation of the provisions of the PLA, 1951.

7. Government of India through Ministry of Commerce and Industry had already announced a package for revival of 33 closed Tea Gardens in the country vide their communication No.T.30013/19/2005-Plant-A dated 29.6.2007 & No. T.22015/38/2007-Plant-A dated 22.10.2007. The Government of India hereby seeks to impress upon the State Governments the need to support the plantation management in their respective States in availing of benefits of the above revival package in a bid to bail out the sick tea plantations from the crisis they are facing at present.

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199

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219

3

This issues with the approval of Secretary (Labour & Employment)

Yours faithfully,



(S.Krishnan)

Additional Secretary (L&E)

To

The Chief Secretaries by name, (State Government of West Bengal, Assam, Kerala, Tamil Nadu, Tripura, Karnataka, Himachal Pradesh, Uttaranchal)

Copy also to:

- (1) Secretary, Department of Commerce & Industry, Govt. of India.
- (2) Chairman, Tea Board, Deptt. of Commerce & Industry, Govt. of India *By fax P-2201e*
With the request that the copy of the circular may be distributed to all the Tea *2201e*
Gardens in the country.
- (3) Chief Provident Fund Commissioner, EPFO, New Delhi.
- (4) ✓ UPASI Tea Research Foundation, Nirarar Dam, BPO Balparai -642127,
Coimbatore District, Tamil Nadu.
- (5) ✓ Indian Tea Association, Royal Exchange, 6, Netaji Subash Road, Kolkata 700001.



(Devender Singh)

Director

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