

Twelfth Kerala Legislative Assembly  
Bill No. 287

---

---

**THE PLANTATIONS LABOUR (KERALA AMENDMENT)  
BILL, 2009**

---

---

©  
Kerala Legislature Secretariat  
2009

**Twelfth Kerala Legislative Assembly**  
**Bill No. 287**

**THE PLANTATIONS LABOUR (KERALA AMENDMENT)**  
**BILL, 2009**

Twelfth Kerala Legislative Assembly

Bill No. 287

THE PLANTATIONS LABOUR (KERALA AMENDMENT)

BILL, 2009

A

*BILL*

*further to amend the Plantations Labour Act, 1951.*

*Preamble.*—WHEREAS, it is expedient further to amend the Plantations Labour Act, 1951 (Central Act 69 of 1951) in its application to the State of Kerala for the purposes hereinafter appearing ;

BE it enacted in the sixtieth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Plantations Labour (Kerala Amendment) Act, 2009.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. *Amendment of section 1.*—In the Plantations Labour Act, 1951 (Central Act 69 of 1951) (hereinafter referred to as the principal Act), in clause (a) of sub-section (4) of section 1, after the word “cinchona” the word “cashew” shall be inserted.

3. *Amendment of section 3B.*—In section 3B of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The registering officer shall conduct an enquiry regarding the particulars furnished in the application and if he is satisfied with the genuineness of the application, may grant registration or otherwise reject the application.”.

4. *Insertion of section 3BA.*—(1) In the principal Act, after section 3B, the following section shall be inserted, namely:—

“3BA. *Renewal of Registration etc.*—(1) A registration certificate granted under this Act shall be valid for a period of five years from the date of the original registration or subsequent renewal.

(2) Every application for renewal of registration shall be made at least sixty days before the expiry of the period and shall be in such form with such particulars and accompanied by such fees as may be prescribed.

(3) The registering officer shall not renew the certificate of registration until he is satisfied that the provisions of this Act and the rules made thereunder have been substantially complied with.

(4) The registering officer may after giving the holder of a certificate of registration an opportunity of being heard, by order, cancel or suspend the certificate of registration, if it appears to him that such certificate has been obtained by misrepresentation or fraud or that the employer has contravened or failed to comply with any of the provisions of this Act or the rules made thereunder.

(5) No application for amalgamation of two or more plantations shall be considered by the registering officer in respect of any land to which this Act is applicable on the 1<sup>st</sup> day of April, 1954 or later on or which were registered as plantations, if any of the protection or welfare facilities to be provided as per the existing provisions in this Act is likely to be affected by such amalgamation.”.

5. *Amendment of section 3C.*—In section 3C of the principal Act, after sub-section (2), the following sub-sections shall be inserted namely:—

“(3) Any person aggrieved by an order of the registering officer rejecting an application for registration under sub-section (3) of section 3B or an order under sub-section (3) or sub-section (4) of section 3BA may, within thirty days of its receipt, prefer an appeal to the authority mentioned in sub-section (1).

(4) After the receipt of an appeal under sub-section (3), the appellate authority may, after giving the appellant and the registering officer an opportunity of being heard in the matter, dispose of the appeal as expeditiously as possible.”.

#### STATEMENT OF OBJECTS AND REASONS

Government of Kerala have decided to amend sections 1(4) (a), 3B(3), 3C and to insert new section 3BA of the Plantations Labour Act, 1951. In Kerala there are so many Cashew Plantations and related Industries. It is desirable to make the Act applicable to cashew plantations also by including “cashew” in section 1(4)(a) of the Plantations Labour Act, 1951. Specific provisions have to be incorporated in the Plantations Labour Act, 1951 to empower the Registering Officer to ascertain the genuineness of the application before registering a plantation. Sub-section (3) is proposed to be inserted in section 3B of the Act for the said purpose. The Act does not provide for renewal of the registration of plantation once granted. If the provision of registration for renewal is inserted in the Act it will fetch revenue to the State and will give effective control on the implementation of the provisions of the Act and Rules. Section 3BA proposed to

be inserted in the Act is meant for that purpose. At present there is appeal provisions only against cancellation of the registration of plantations. The proposed amendment to section 3C is intended to provide appeal provision against the orders of registration of plantation/cancellation of registration/ renewal of registration/ refusal to renew registration, as the case may be.

The Bill seeks to achieve the above object.

#### FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the consolidated fund of the State.

P. K. GURUDASAN

---

EXTRACT FROM THE PLANTATIONS LABOUR ACT, 1951  
(CENTRAL ACT 69 of 1951)

1. *Short title and commencement and application.*—(1) This Act may be called the Plantations Labour Act, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

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

(4) It applies to the following plantations, that is to say,—

(a) to any land used or intended to be used for growing tea, coffee, rubber, cinchona or cardamom which admeasures 5 hectares or more, and in which fifteen or more persons are employed or were employed on any day of the preceding twelve months ;

\*\*                      \*\*                      \*\*                      \*\*

3B. *Registration of Plantations.*—(1) Every employer of a plantation, existing at the commencement of the Plantations Labour (Amendment) Act, 1981 shall, within a period of sixty days of such commencement, and every employer of any other plantation coming into existence after such commencement shall, within a period of sixty days of the coming into existence of such plantation, make an application to the registering officers for the registration of such plantation :

Provided that the registering officer may entertain any such application after the expiry of the period aforesaid if he is satisfied that the applicant was prevented by sufficient cause from making the application within such period.

(2) Every application made under sub-section (1) shall be in such form and shall contain such particulars and shall be accompanied by such fees as may be prescribed.

(3) After the receipt of an application under sub-section (1), the registering officer shall register the plantation.

(4) Where a plantation is registered under this section, the registering officer shall issue a certificate of registration to the employer thereof in such form as may be prescribed.

(5) Where, after the registration of a plantation under this section, any change occurs in the ownership or management or in the extent of the area or

other prescribed particulars in respect of such plantation, the particulars regarding such change shall be intimated by the employer to the registering officer within thirty days of such change in such form as may be prescribed.

(6) Where as a result of any intimation received under sub-section (5), the registering officer is satisfied that the plantation is no longer required to be registered under this section he shall, by order in writing, cancel the registration thereof and shall as soon as practicable, cause such order to be published in anyone newspaper in the language of, and having circulation in, the area where the plantation is situated.

*3C. Appeals against orders of registering officer.*—(1) Any person aggrieved by the order of a registering officer under sub-section (6) of S.3B may, within thirty days of the publication of such order in the newspaper under that sub-section, prefer an appeal to such authority as may be prescribed:

Provided that the appellate authority may entertain an appeal under this sub-section after the expiry of the aforesaid period if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within such period.

(2) After the receipt of an appeal under sub-section (1), the appellate authority may, after giving the appellant, the employer referred to in sub-section (5) of sub-section 3B and the registering officer an opportunity of being heard in the matter, dispose of the appeal as expeditiously as possible.

\*\*

\*\*

\*\*

\*\*  

---