
Reports of the Select Committees
on
The Plantation Labour (Kerala Amendment) Bill, 1968
and the Bill as reported by the Committee
And
The Kerala Industrial Establishments (National and
Festival Holidays) Amendment Bill, 1968 and
the Bill as reported by the Select Committee

X9(J4):9:(Z).222.N7t
K8
126000

PRINTED BY THE S.G.P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1968.

THE PLANTATIONS LA

BILL, 1968.

(Report of the Select Committee)

The Select Committee to which the Plantations Labour (Kerala Amendment) Bill, 1968 was referred, have considered the Bill clause by clause and now submit this, their Report with the Bill as reported by the Committee annexed thereto.

2. The Bill was published in the Gazette Extraordinary dated 23rd August, 1968. The Bill was introduced in the Assembly on 30th August 1968 and the motion for reference to the Select Committee was adopted on the same date.

3. The Committee met on the 15th October 1968 and recommended that the Bill be adopted without any modification.

MATHAI MANJOORAN,

Chairman of the Select Committee.

THE PLANTATIONS LABOUR (KERALA AMENDMENT)

BILL, 1968

(As amended by the Select Committee)

A

BILL

further to amend the Plantations Labour Act, 1951, in its application to the State of Kerala.

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

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

1. *Short title, extent and commencement.*—(1) This Act may be called the Plantations Labour (Kerala Amendment) Act, 1968.

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

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

2. *Amendment of section 18.*—In section 18 of the Plantations Labour Act, 1951 (Central Act 69 of 1951) (hereinafter referred to as the principal Act), after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) If in any plantation, welfare officers are not employed as required by the rules made under sub-section (1), the chief inspector may appoint the required number of welfare officers and thereupon such officers shall be deemed to have been employed by the employer under sub-section (1):

Provided that before appointing welfare officers under this sub-section the employer shall be given an opportunity of being heard.”.

3. *Insertion of new section 18A.*—After section 18 of the principal Act, the following section shall be inserted, namely:—

“18A. *Chief Inspector to provide facilities on default by employer.*—(1) If in any plantation, facilities are not provided or maintained by the employer as required by section 8 or section 9 or section 12 or section 15 or the rules made under section 11 or

section 14 or section 17, the chief inspector may cause to be provided or maintained therein such facilities and recover the cost thereof from the defaulting employer:

Provided that before providing or maintaining such facilities the employer shall be given an opportunity of being heard.

(2) For the purpose of the recovery of the cost under subsection (1) the chief inspector may certify the amount to be recovered to the Collector, who may thereupon recover such amount as an arrear of land revenue.”.

Legislature Secretariat,
Trivandrum,
16th December 1968.

V. P. N. NAMBUDIRI,
Secretary.
Legislative Assembly.

REPORT OF THE SELECT COMMITTEE
ON
THE KERALA INDUSTRIAL ESTABLISHMENTS (NATIONAL
AND FESTIVAL HOLIDAYS) AMENDMENT BILL, 1968
AND
THE BILL AS REPORTED BY THE SELECT COMMITTEE

33/3357

**THE KERALA INDUSTRIAL ESTABLISHMENTS
(NATIONAL AND FESTIVAL HOLIDAYS) AMENDMENT**

BILL, 1968.

(Report of the Select Committee)

The Select Committee to which the Kerala Industrial Establishments (National and Festival Holidays) Amendment Bill, 1968 was referred, with powers to scrutinise the provisions of the Kerala Industrial Establishments (National and Festival Holidays) Act, 1958 (Act 47 of 1968) have considered the Bill clause by clause and now submit this, their Report, with the Bill as reported by the Select Committee annexed thereto.

2. The Bill was published in the Gazette Extraordinary dated the 14th August 1968. The Bill was introduced in the Assembly on the 20th August 1968 and the motion for reference of the Bill to a Select Committee was adopted on the same date. The Committee met on the 15th October, 1968. The changes proposed by the Committee and the reasons therefor are set out in the following paragraphs:—

3. *Insertion of new clause 2:*

The Committee are of the view that the provisions of the Kerala Industrial Establishments (National and Festival Holidays) Act, 1958 should be extended to all industrial establishments wherein twenty or more persons are employed instead of fifty or more persons as provided in sub-clause (i) of clause (e) of section 2 of the Act. They also consider that the Act should be made applicable to all plantations which are thirty acres or more (twelve hectares or more) in extent instead of fifty acres or more as provided in clause (g) of section 2 of the Act or in which twenty or more persons are employed instead of fifty or more persons as provided in the said clause (g) of section 2 of the Act. The Committee, therefore, suggest that a new clause may be included in the Bill as clause 2 for amending the definitions of the terms "industrial establishment" and "Plantation" occurring in clauses (e) and (g) of section 2 of the Act. The definitions have been suitably modified and the subsequent clauses of the Bill have been renumbered.

4. *Clause 3 (Original clause 2):*

The Committee consider that the words and brackets "(for the first time)" may be inserted between the words "work" and "after" occurring in the proviso proposed to be added to section 3 of the Act so as to make the intention clear.

5. *Clause 4 (Original clause 3):*

The Committee feel that the words "and the employee shall be bound to work on that holiday" occurring in this clause should be omitted so that an employee may not be compelled to work on any holiday allowed under section 3 of the Act if he is not willing.

6. *Clause 5 (Original clause 4):*

The Committee consider that if an employee is required to work on any holiday allowed under section 3 in pursuance of the proposed Section 4A, the employee should get twice the wages and a substituted holiday on any other day and in the case of an employee who is paid wages by the day or at piece rates he should get twice the wages and a substituted holiday with wages on any other day. Sub-sections (2) and (3) of section 5 of the Act have been modified accordingly.

7. Other changes made by the Committee are either verbal or consequential.

MATHAI MANJOORAN,
Chairman of the Committee.

THE KERALA INDUSTRIAL ESTABLISHMENTS (NATIONAL
AND FESTIVAL HOLIDAYS) AMENDMENT BILL, 1968.

(As amended by the Select Committee)

(Words underlined or sidelined indicate the amendments suggested
by the Committee. Omissions are indicated by asterisks)

A

BILL

*to amend the Kerala Industrial Establishments (National and
Festival Holidays) Act, 1958.*

Preamble.—WHEREAS it is expedient to amend the Kerala
Industrial Establishments (National and Festival Holidays) Act,
1958, for the purposes hereinafter appearing;

BE it enacted in the Nineteenth year of the Republic of India
as follows:—

1. *Short title and commencement.*—(1) This Act may be called
the Kerala Industrial Establishments (National and Festival Holi-
days) Amendment Act, 1968.

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

2. *Amendment of Section 2.*—In Section 2 of the Kerala Indus-
trial Establishments (National and Festival Holidays) Act, 1958 (47
of 1958) (hereinafter referred to as the principal Act),—

(1) in sub-clause (i) of clause (e), for the word “fifty” the word
“twenty” shall be substituted.

(2) in clause (g)—

(i) for the words “fifty acres” the words “twelve hectares”
shall be substituted.

(ii) for the words “fifty or more persons” the words “twenty
or more persons” shall be substituted.

3. *Amendment of section 3.*—To section 3 of the Principal Act
(hereinafter referred to as the principal Act), the following proviso
shall be added, namely:—

“Provided that in the case of an industrial establishment which
commences work for the first time after the commencement of a
calendar year, the number of holidays for festivals allowable to an

employee under this section during the remainder of that calendar year shall be fixed by the Inspector, so however that the number so fixed shall not be less than the number calculated at the rate of one day for every three months or part thereof of the remainder of such calendar year”.

4. *Insertion of new section 4A.*—After section 4 of the principal Act, the following section shall be inserted, namely:—

“4A. *Power of employer to require employee to work on holidays.*—(1) Notwithstanding anything contained in section 3, an employer may, by notice in writing, require any employee to work on any holiday allowed under that section, * * * * *

(2) The notice under sub-section (1) shall be served on the employee in the prescribed manner. One copy of the notice shall be sent to the Inspector and another copy thereof shall be displayed in the premises of the industrial establishment, not less than twenty four hours before such holiday.

5. *Amendment of Section 5.*—In Section 5 of the principal Act,—

(1) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Where an employee works on any holiday allowed under Section 3, he shall be entitled to twice the wages and to avail himself of a substituted holiday on any other day.”

(2) in sub-section (3), for clause (ii) and the provisos, the following clause, proviso and explanation shall be substituted, namely:—

“(ii) Where he works on any such holiday, only at twice the rate mentioned in clause (i) and to avail himself of a substituted holiday with wages at that rate on any other day:

Provided that no such employee shall be entitled to be paid any wages for any of the holidays allowed under Section 3, other than the 26th January, the 15th August and the 1st May, unless he has been in the service under the employer for a total period of thirty days within a continuous period of ninety days immediately preceding such holiday.

Explanation.—A weekly or other holiday or authorised leave availed of by an employee shall be included in computing the period of thirty days mentioned in the preceding proviso.”

6. *Amendment of section 12.*—For sub-section (3) of section 12 of the principal Act, the following sub-section shall be substituted, namely:—

“(3) Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or the Legislative Assembly agrees that the rules should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule”.

Legislature Secretariat,
Trivandrum,
17th December 1968.

V. P. N. NAMBUDIRI,
Secretary,
Legislative Assembly.