

**GOVERNMENT OF INDIA  
MINISTRY OF LABOUR AND EMPLOYMENT**

**LOK SABHA**

**UNSTARRED QUESTION NO. 4619  
TO BE ANSWERED ON 23.03.2020**

**INDUSTRIAL WORKERS**

**4619. SHRI RAJU BISTA:**

**Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:**

- (a) the reasons for not including the tea garden, cinchona garden and other plantation workers as Industrial Workers till date;**
- (b) the reasons for depriving the plantation workers of various facilities provided to industrial workers, including ESI hospitals; and**
- (c) the action taken by the Government to safeguard Tea Garden workers against tea garden owners who have not submitted their portion of the Provident Fund contribution of the workers?**

**ANSWER**

**MINISTER OF STATE (IC) FOR LABOUR AND EMPLOYMENT  
(SHRI SANTOSH KUMAR GANGWAR)**

**(a): Plantation workers are covered by a separate Act called the Plantation Labour Act 1951 which inter-alia covers the welfare of plantation workers along with tea worker, cinchona workers etc.**

**Moreover, the workers of the tea industry are also covered by various industrial and social security legislations like Employees' Compensation Act, 1923, Payment of Gratuity Act, 1972, Payment of Bonus Act, 1965, Maternity Benefit Act, 1961, Payment of Wages Act, 1936, Equal Remuneration Act, 1976, Industrial Disputes Act, 1947, the Factories Act and Industrial Employment (Standing Order) Act, 1946.**

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**(b): Plantation workers are not covered under Employee State Insurance Act (ESI). However, a Group Personal Accident Insurance Scheme is being implemented by the Tea Board for the benefit of the workers of small tea growers. Tea workers of organized sector in other states are covered under the Employees' Deposit-Link Insurance Scheme of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952.**

**The Plantation Labour Act, 1951 requires the employers to provide the workers with housing, medical facilities, sickness and maternity benefits and other forms of social security measures. There are provisions for educational facility for the worker's children, drinking water, conservancy, canteens, crèches and recreational facilities for the benefit of the tea plantation workers and their families in and around the work places in the tea estates. The Plantation Labour Act is implemented through the concerned State Governments for which separate Rules have been framed by them.**

**(c): Tea plantations employing twenty or more employees are covered under the Employee Provident Fund and Miscellaneous Provision Act, 1952. Tea plantations in Assam are covered under the Assam Tea Plantation Provident Fund Scheme, 1955.**

**The covered establishments are prompted through SMS and E-mails if they do not file the returns and make payments with due date. In case of non-enrolment of employees as members of EPF and non-payment of contributions by the employer, the Act provides for assessment of default through quasi-judicial process under section 7A and levy of penalty under section 14B for willful delay in payment of dues. Action is also taken against the defaulters under section 406/409 IPC in case of non-payment of employees share of contributions deducted from wages of employees.**

**During the year 2018-19 and 2019-20 (up to September 2019) action was initiated against the defaulting tea plantation establishment resulting in assessment of Rs.6628/- lakhs and recovery of Rs.3957/- lakhs. Further, during this period, Rs.2700/- lakhs of arrears dues were also recovered from defaulting establishments. During the same period prosecution cases were filed for 41 cases of default and police complaints were filed in 15 cases of non-payment of employees share of contributions deducted from wages.**