



THE TEA PLANTATIONS LABOUR ORDINANCE, 1962



CONTENTS

PREAMBLE.

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CHAPTER I

1. Short title, extent, commencement and application.
2. Definitions.

CHAPTER II

3. Chief inspector and inspectors.
4. Powers and functions of inspectors.
5. Facilities to be provided to inspector.
6. Notice to inspector before commencement of work.
7. Certifying surgeons.

CHAPTER III

8. Drinking water.
9. Conservancy.
10. Medical facilities.

CHAPTER IV

11. Canteens.
12. Creches.
13. Recreational facilities.
14. Educational facilities.
15. House building facilities.
16. Facilities for daily necessities, etc.
17. Welfare officers.

CHAPTER V

18. Weekly hours, spread-over and daily intervals for rest.
19. Weekly holidays.
20. Notice of period of work.
21. Prohibition of employment of young children.
22. Night work for women and children.

- 23. Non adult workers to carry tokens.
- 24. Certificate of fitness.
- 25. Power to require medical examination.

CHAPTER VI

- 26. Application of Chapter.
- 27. Annual leave with wages.
- 28. Festival holidays.
- 29. Sick leave.
- 30. Wages during leave or holiday periods.
- 31. Extra wages for overtime.

CHAPTER VII

- 32. Obstruction.
- 33. Penalty for contravention of provisions relating to medical facilities.
- 34. Use of false certificate of fitness.
- 35. Contravention of provisions regarding employment of labour.
- 36. Other offences.
- 37. Enhanced penalty after previous conviction.
- 38. Exemption of employer from liability in certain cases.
- 39. Cognizance of offences.
- 40. Limitation of prosecutions.
- 41. Indemnity.

CHAPTER VIII

- 42. Leave for persons simultaneously engaged in a tea factory and a tea plantation.
- 43. Power to exempt.
- 44. General power to make rules.

THE TEA PLANTATIONS LABOUR ORDINANCE, 1962

ORDINANCE No. XXXIX OF 1962

[4th June, 1962]

An Ordinance to provide for the welfare of labour, and to regulate the conditions of work, in tea plantations.

WHEREAS it is expedient to provide for the welfare of labour, and to regulate the conditions of work, in tea plantations;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise, of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :-

CHAPTER I

1. Short title, extent, commencement and application.-(1) This Ordinance may be called the Tea Plantations Labour Ordinance, 1962.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

(4) It applies in the first instance to all tea plantations, but the Provincial Government may, by notification in the official Gazette, apply it to any other area of land measuring twenty-five acres or more and used or intended to be used for growing tea whereon less than thirty persons are employed, or were employed on any day of the preceding twelve months.

2. Definitions. In the Ordinance, unless there is anything repugnant in the subject or context,-

- (a) “adolescent” means a person who has completed his fifteenth year but has not completed his seventeenth year ;
 - (b) “adult” means a person who has completed his seventeenth year ;
 - (c) “child” means a person who has not completed his fifteenth year ;
 - (d) “day” means a period of twenty four hours beginning at midnight ;
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- (e) “employer” when used in relation to a tea plantation means the person who has ultimate control over the affairs of the tea plantation, and where the affairs of any tea plantation are entrusted to any other person (whether called a managing agent, manager, superintendent or by any other name) such other person shall be deemed to be the employer in relation to that tea plantation;
- (f) “prescribed” means prescribed by rules made under this Ordinance;
- (g) “tea plantation” means any land used or intended to be used for growing tea which measures twenty five acres or more and whereon thirty or more persons are employed, or were employed on any day of the preceding twelve months ;
- (h) “wages” has the meaning assigned to it in clause (vi) of section 2 of the Payment of Wages Act, 1936 ([IV of 1936](#)) ;
- (i) “week” means a period of seven days beginning at midnight on Saturday night or such other night as may be fixed by the Provincial Government in relation to tea plantations in any area after such consultation as may be prescribed with reference to the tea plantations concerned in that area ;
- (j) “worker” means a person employed in a tea plantation for hire or reward, whether directly or through any agency, to do any work, skilled, unskilled, manual or clerical, but does not include-
 - (i) a medical officer at the plantation ;
 - (ii) any person whose monthly wages exceed five hundred rupees; or
 - (iii) a person employed in a tea plantation primarily in a managerial capacity notwithstanding that his monthly wages do not exceed five hundred rupees ;
- (k) “young” person means a person who is either a child or an adole scent.

CHAPTER II

3. Chief inspector and inspectors.-(1) The Provincial Government may, by notification in the official Gazette, appoint for the Province a duly qualified persons to be the chief inspector of tea plantations and so many duly qualified persons to be inspectors of tea plantations subordinate to the chief inspector as it thinks fit.

(2) Subject to such rules as may be made in this behalf by the Provincial Government, the chief inspector may declare the local area or areas within which, are the tea plantations with respect to which, inspectors shall exercise their powers under this Ordinance, and may himself exercise the powers of an inspector within such limits as may be assigned to him by the Provincial Government.

(3) The chief inspector and all inspectors shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code ([Act XIV of 1860](#)).

4. Powers and functions of inspectors. Subject to any rules made by the Provincial Government in this behalf, an inspector may within the local limits for which he is appointed-

- (a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Ordinance and of the rules made thereunder are being observed in the case of any tea plantation ;
- (b) with such assistants from amongst persons in the employment of Government or of any municipal body or other local authority, as he thinks fit, enter, inspect and examine any tea plantation or part thereof at any reasonable time for the purpose of carrying out the objects of this Ordinance ;
- (c) examine any worker employed in any tea plantation or require the production of any register or other document maintained in pursuance of this Ordinance, and take on the spot or otherwise statement of any persons which he may consider necessary for carrying out the purposes of this Ordinance ; and
- (d) exercise such other powers as may be prescribed:

Provided that no person shall be compelled under this section to answer any question or make any statement tending to incriminate himself.

5. Facilities to be provided to inspector. Every employer shall afford the inspector all reasonable facilities for making any entry, inspection, examination or inquiry under this Ordinance.

6. Notice to inspector before commencement of work. Before work is begun in any tea plantation after the commencement of this Ordinance, the employer shall, send to the inspector a written notice containing-

- (a) the name of the tea plantation and its situation ;
- (b) the address to which communications relating to the tea plantation should be sent ; and
- (c) such other particulars as may be prescribed for the purposes of this Ordinance.

7. Certifying surgeons.-(1) The Provincial Government may appoint medical practitioners having the prescribed qualifications to be certifying surgeons for the purposes of this Ordinance within such local limits or for such tea plantation or class of tea plantations as it may assign to them respectively.

(2) The certifying surgeon shall carry out such duties as may be prescribed in connection with-