

THE ASSAM PLANTATIONS LABOUR RULES, 1956

ARRANGEMENT OF RULES

	8. Source of supply
	9. Storage of water
1. Short title, extent and commencement	10. Cleanliness of well or reservoir
2. Definitions	11. Report from the Health Officer
2-A. Registration of Plantation	12. Distribution of water
2-B. Grant of Certificate of Registration	[<i>Rules prescribed under Section 9</i>]
2-C. Amendment of Certificate of Registration	13. Latrine accommodation
2-D. Transfer of the Certificate of Registration	14. Latrines to conform to public health requirements
2-E. Procedure on death or disability of employer	15. Privacy of latrines
2-F. Issue of duplicate Certificate of Registration	16. Sign boards to be displayed
2-G. Payment of fees	17. Water taps in latrines
2-H. The changes in respect of which intimation is to be given	18. Urinal accommodation
2-I. Register of Plantation	19. Urinals to conform to public health requirements
2-J.	20. Construction and maintenance of drains
	MEDICAL FACILITIES
	Medical Advisory Board
	21.
CHAPTER II	22. Composition of Medical Advisory Board
The Inspecting Staff	23. Term of office of members
[<i>Rules prescribed under Section 5</i>]	24. Travelling allowances for members
3. Powers and functions of Inspectors	25. Resignation
4.	26. Vacation of office
[<i>Rules prescribed under Section 7</i>]	Procedure relating to meetings
5. Duties of Certifying Surgeons	27. Disposal of business
6.	28. Meetings
CHAPTER III	29. Notice of meeting
Health	30. Presiding at meetings
[<i>Rules prescribed under Section 8</i>]	31. Quorum
7. Drinking water	32. Decision by majority

33. Minutes of Meetings
34. *[Rules prescribed under Section 10]*
35. Types of Hospitals
36. Garden Hospitals
37. Group Hospitals
38. Equipment and drugs
39. Medical records
40. Standard of Medical facilities
41. Submission of scheme for the provisions of medical facilities and progress report
42. Failure to provide and maintain medical facilities as required in these rules
43. Recovery of sum due under Rule 42

**CHAPTER IV
Welfare**

- [Rules prescribed under Section 11]*
44. Canteens
45. Prices to be charged
45-A.
46. Creches
47. Wash-room
48.
49. Supply of clothes, soap and oil
[Rules prescribed under Section 13]
50. Recreational facilities
51. *[Rules prescribed under Section 14]*
52. Educational facilities for workers children
53.
54.
55.
56.
57.
57-A. *[Rules prescribed under Section 16]*

58. Housing accommodation for workers
59. Standard and specification of housing accommodation
60. Sites for housing accommodation
61. Housing scheme
62. Construction of houses in accordance with scheme and report in relation thereto
63. Maintenance of houses
64. Accommodation to be rent free
65. Occupation of houses
66. Occupation of accommodation after termination of employment
67. Facilities for harvesting standing crops and termination of employment

ADVISORY BOARD ON HOUSING

68. Constitution of Advisory Board
69. Powers and functions of the Advisory Board
70. Removal of difficulties
70-A. Appointment of Commissioner
70-B.
70-C.
70-D.
70-E. Fees for person possessing special knowledge
[Rules prescribed under Section 17]
71. Facilities for protection from weather

CHAPTER V

**Hours and Limitation of
Employment**

- [Rules prescribed under Section 20]*
72. Weekly holidays
[Rules prescribed under Section 23]
73. Notice of period of work

CHAPTER VI

Sickness and Maternity Benefit

74. Payment of sickness allowance
74-A. Notification of accident
74-B. Register of accidents

CHAPTER VII

Miscellaneous

- [Rules prescribed under sub-section 2(e) of Section 43]*
75. Appeals
76. Registers
77. Return

- FORM NO. 1 CERTIFICATE OF FITNESS
FORM NO. 2 REGISTER SHOWING FEES, ISSUE DUPLICATE CERTIFICATE
FORM NO. 3 CERTIFYING SURGEON'S VISIT NOTE
FORM NO. 4 YEARLY PROGRESS REPORT
FORM NO. 5 RECORD OF LIME-WASHING, PAINTING, ETC.
FORM NO. 6 NOTICE OF PERIOD OF WORK
FORM NO. 7 CERTIFICATE OF SICKNESS
FORM NO. 8 REGISTER OF ADULT WORKERS
FORM NO. 9 REGISTER OF NON-ADULT WORKERS
FORM NO.10 REGISTER OF LEAVE WITH WAGES
FORM NO.11 LEAVE BOOK
FORM NO.12 ANNUAL RETURN
FORM NO.13 PROGRESS REPORT IN REGARD TO THE PROVISION OF MEDICAL FACILITIES (Received from Deptt.)
FORM NO.13 APPLICATION FOR REGISTRATION AND GRANT OF CERTIFICATE OF REGISTRATION
FORM NO.14 CERTIFICATE OF REGISTRATION TO RUN A PLANTATION
FORM NO.15 NOTICE OF CHANGE IN THE PARTICULARS FURNISHED IN THE APPLICATION FOR REGISTRATION AND GRANT OF CERTIFICATE OF REGISTRATION
FORM NO.16 REGISTRATION OF PLANTATION
FORM NO.17 APPLICATION FOR COMPENSATION
FORM NO.18 NOTICE OF ACCIDENTS
FORM NO.19 REGISTER OF ACCIDENT

LIST OF AMENDING RULES, THE PROVISIONS OF WHICH HAVE BEEN INCORPORATED IN ITS DUE PLACES AND THEREFORE NOT PRINTED SEPARATELY

1. THE ASSAM PLANTATIONS LABOUR (AMENDMENT) RULES, 1983, *Vide* Notification No. GLR. (RC) 6/82/148 dated the 21st Dec. 1984.
2. THE ASSAM PLANTATIONS LABOUR (AMENDMENT) RULES, 1975, *Vide* Notification No. GLR.146/75, dated the 17th July, 1975.

NOTE - The following "DRAFT" (Amendment) Rules" not incorporated in its due places, and therefore printed separately.

1. THE ASSAM PLANTATIONS LABOUR (Amendment) Rules, 2006, *Vide* Notification No. GLR. (RC) 31/2005/5, dated the 26th May, 2006.
2. THE ASSAM PLANTATIONS LABOUR (Amendment) Rules, 2001, *Vide* Notification GLR. (RC) 87/90/170, dated the 9th Jan. 2002.
3. THE ASSAM PLANTATIONS LABOUR (Amendment) Rules, 1987, *Vide* Notification No. GLR. (RC) 6/82/179, dated the 22nd Sep, 1987.

THE ASSAM PLANTATIONS LABOUR RULES, 1956

[Dated the 19th January, 1964]

No. GLR 78/54.- *The exercise of the powers conferred by sub-section(I) of Section 43 of the Plantations Labour Act, 1951 (Act LXIX of 1951), the Governor of Assam with the previous approval of the Central Government is pleased to make the following rules, the same having been previously published in this Department Notification No. GLR. 78/64, dated the 6th August, 1955.*

CHPATER I

Preliminary

1. Short title, extent and commencement.- (1) These Rules may be cited as *the Assam Plantations Labour Rules, 1956*.

COMMENTS

The Rules have been framed by the State of Assam having exercised the powers conferred by Section 43 (1) of the Act (*LXI of 1951*) to facilitate by providing the procedure for health, welfare, maternity benefit etc., of plantations labour.

(2) These Rules shall extend to the whole of Assam.

(3) These Rules, except Rules 13 to 20, 44, 45, 52-57 shall come into force at once. Rules 13 to 20 and 44, 45, 52-57* shall come into force in respect of any plantation or group of plantations on such date or dates as the State Government may, by notification in the *Official Gazette*, appoint.

***NOTIFICATION**

No. GLR 78/54/62, Dated the 10th March, 1959.- *In exercise of the powers conferred by sub-rule (3) of Rule 1 of the Assam Plantations Labour Rules, 1956, the Governor of Assam is pleased to order that Rules 52 to 57 A of the said Rules shall come into force with immediate effect.*

2. Definitions.- In these Rules unless there is anything repugnant in the subject or context—

- (a) "Act" means the Plantation Labour Act, 1951;
- (b) "Form" means a form appended to these Rules;
- (c) "Health Officer" means the Municipal Health Officer or such other official as may be appointed by the State Government in that behalf;
- (d) "Inspector" means an officer appointed under Section 4 of the Act and includes "Chief Inspector";
- (e) "Maintained" means maintained in an efficient state, in efficient working order and in good repair;
- (f) "Public Health Authority" means the Local Health Officer having jurisdiction over the area;
- (g) "Section" means a Section of the Act;
- (h) "State Government" means the State Government of Assam;
- (i) All other words and expressions use herein and not defined shall have the meaning respectively assigned to them under the Act.

["2-A. Registration of Plantation.- Every employer of a plantation shall within the time limit prescribed under sub-section (1) of Section 3-B of the Plantations Labour (Amendment) Act, 1981, shall submit to the Chief Inspector of Plantations an application in Form No. 13 in duplicate, for the registration of the plantation and grant of a certificate of registration.

2-B. Grant of Certificate of Registration.- A certificate of Registration for a plantation shall be granted by the Chief Inspector in Form No. 14 on payment of fees on hectares of land used or intended to be used for the purposes of plantation as indicated below—

- | | |
|--|------------|
| (a) Plantation upto 120 hectares | Rs. 250.00 |
| (b) Plantation between 121 hectares and 200 hectares | Rs. 500.00 |
| (c) Plantation between 201 hectares and above | Rs. 750.00 |

2-C. Amendment of Certificate of Registration.- (1) The Certificate of Registration granted under Rule 2-B may be amended by the Chief inspector.

(2) An employer who desires to have his Certificate of Registration amended shall submit to the Chief Inspector an application stating the nature of amendment proposed and reasons thereof.

(3) The fee for the amendment of the Certificate of Registration shall be five rupees plus the amount, if any, by which the fee that would have been payable, if the Certificate of Registration had been originally issued in the amended form exceeds the fee originally paid for it.

2-D. Transfer of the Certificate of Registration.- (1) An employer holding a Certificate of Registration may, at any time before the expiry of the period of its validity apply for permission to transfer the Certificate to another person.

(2) Such application shall be made to the Chief Inspector who shall if he approves of the transfer, enter upon the Certificate of Registration under his signature, an endorsement to the fact that the Certificate of Registration has been transferred to the person named.

2-E. Procedure on death or disability of employer.- (1) If an employer holding a Certificate of Registration dies or becomes insolvent, the person running the affairs of the plantation shall not be liable under the Act during such time as may reasonably be required to allow him to make an application for the amendment of the Certificate of Registration under Rule 2-C in his name.

2-F. Issue of duplicate Certificate of Registration.- Whereas a Certificate of Registration granted under Rule 2-B is lost, defaced or accidentally destroyed a duplicate may be granted on payment of a fee of five rupees.

1. Amended for the words "Account XXXII - Miscellaneous Social and Development organisation, Labour and Employment Fees under the Plantation Labour Act, 1951." *vide* corrigenda Notification No. GLR (RC) 6/82/151, dated the 7th May, 1985.

2-G. Payment of fees.- (1) The fees prescribed under these rules shall be paid into the local Treasury under the ["087"- Labour and Employment Receipt under Labour Laws - Fees under Plantations Labour Act, 1951]¹ and the receipt shall be enclosed to the application form.

(2) If the application for grant, amendment or issue of a duplicate Certificate of Registration is rejected, the fee paid shall be refunded to the applicant.

2-H. The changes in respect of which intimation is to be given.- Where changes occur in the ownership or management or in the extent of the area of the plantation shall be intimated by the employer to the Chief Inspector of Plantations in Form No. 15 within thirty days of such changes occurring.

2-I. Register of Plantation.- The Chief Inspector shall maintain a Register for Plantations in Form No. 16.

2-J. Any person aggrieved by the order of a Registering Officer under sub-section (1) of Section 3-C may within the time specified under the sub-section prefer an appeal to the Secretary to the Government of Assam in the Labour Department".¹

COMMENTS

Rules 2A to 2J provides the procedure for Registration of plantation, grant of Registration Certificate, transfer of certificate of registration, furthermore Rules 2-E to 2-J deal with the procedure on death or disability of employer, payment of fees and Register of plantation etc.

CHAPTER II

The Inspecting Staff

(Rules prescribed under Section 5)

3. Powers and functions of Inspectors.- An Inspector shall for the purpose of giving effect to the provisions of Act, have power to do all or any of the following things, that is to say—

(i) to photograph any non-adult worker ; to inspect examine, measure, copy, photograph, sketch or test, as the case may be, any house, building or room, [****]² or anything provided for the purpose of securing the health or welfare of the workers employed

1. Inserted as new Rules "2A." to "2J." *vide* Notification No.GLR. (RC) 6/82/148, dated the 21st December, 1984 (w.e.f. 21.12.1984).

2. Deleted the words "register or document maintained under the Act" in clause (i) in Rule 3 *vide* Notification No. GLR.146/75, dated the 17th July, 1975, (w.e.f. 17.7.1975.)

3. Inserted by *Ibid*.

in a plantation ["and inspect or take copies any register or document maintained under the Act."]

(ii) to prosecute, and conduct or defend before a Court any complaint on other proceeding arising under the Act;

(iii) to require an employer to supply or send any return or information relating to the provisions of the Act;

(iv) to satisfy himself at each inspection that—

(a) the provisions of the Act and the rules regarding the health and welfare of workers employed in the plantation are observed;

(b) the adolescents and children employed in the plantation have been granted certificates of fitness and that no adolescent or child is employed who is obviously unfit;

(c) the prescribed registers are properly maintained;

(d) the periods of rest and holidays provided by the Act are granted and that the limits of hours of work laid down therein are not exceeded;

(e) the notice of period of work required under Section 23 of the Act is duly affixed;

(f) leave with wages and sickness and maternity benefits are granted in accordance with the provision of the Act and Rules;

(v) to note how far the defects pointed out the previous inspections have been removed and how far orders previously issued have been complied with; and

(vi) to point out all such defects or irregularities as he may have observed and to give orders for their removal and to record and furnish to the employer a summary of the defects or irregularities and of his orders.

4. Every order passed under the Act and the rules shall be served on the employers—

(a) by delivering a copy of it to him personally or at his office; or

(b) by registered post.

(Rules prescribed under Section 7)

5. **Duties of Certifying Surgeons.**- (1) For purpose of the examination and certification of young persons who which to obtain

certificates of fitness, the Certifying Surgeon shall fix a suitable time and place in consultation with the employer for the attendance of such persons, before the expiry of one month from the date of application, and shall give previous notice in writing thereof to the employers of the plantations situated within the local limits assigned to him.

(2) Every Certifying Surgeon shall keep bound books containing certificates in Form No.1 respectively in foil and counterfoil. In each book, the form shall numbered consecutively and shall be printed on clothbacked or other durable paper. The foil and counterfoil shall be field in and either the signature or the left thumb mark of the person in whose name the certificate is granted shall be taken on them. On being satisfied as to the correctness of the entries made therein and of the fitness of the persons examined, the Certifying Surgeon shall sign the foil and initial the counter-foil and shall deliver the foil to him. The foil so delivered shall be the certificate of fitness granted under Section 27. All counterfoils in a book shall be preserved by the Certifying Surgeon for a period of at least two years after the issue of the last certificate in that book.

(3) A person who loses a certificate of fitness which has been granted to him may apply to the Certifying Surgeon who granted it for a copy of the Certificate and the said Surgeon after making such enquiry from the employer of such person (or if such person is unemployed, from his last employer) and from such other sources; as he deems fit, ["shall"]¹ grant a duplicate of the lost certificate. The word "Duplicate" shall be clearly written in red ink across such duplicate certificate and initialled by the Certifying Surgeon. The counterfoil in the bound-book of forms shall be similarly marked "Duplicate" and initialled. For every copy of a duplicate certificate granted a fee ["fifty paise"]¹ shall be charged from the person concerned which shall be credited to Government. The Certifying Surgeon shall maintain a register in Form No. 2 of all fees paid for the issue of duplicate certificates and shall intial each entry therein. No duplicate of a certificate shall be granted to any person otherwise than in accordance with the provisions of this sub-rule.

(4) The Certifying Surgeon at his periodical visit shall satisfy

1. Substituted for the words "May" and "eight anna" in sub-rule (3) of Rule 5 by the words "shall" and "fifty paise" vide Notification No. GLR. 146/75, dated the 17th July, 1975 (w.e.f. 17.7.1975).

himself as to the fitness of all the adaloscents and children employed in the plantation and shall revoke the certificate of fitness of any whom he deems to be unfit.

(5) The certifying Surgeon shall hand over to the employer and Chief Inspector a note in Form No.3 detailing the result of each visit to the plantation.

(6) The Certifying Surgeon shall, upon request by the Chief Inspector, carry out such examination as he may indicate for any plantation or class of plantations where young persons are, or are to be employed in any work which is likely to cause injury to their health.

(7) The employer shall provide for the purpose of any medical examination which the Certifying Surgeon wishes to conduct at the plantation (for his exclusive use on such occassion) a room which shall be properly cleaned and adequately ventilated and furnished with a screen, ["an examination"]¹ a table (with writing materials) and chair.

6. If a qualified medical practitioner employed in a Garden or Group Hospital referred to in Chapter III is appointed to be a Certifying Surgeon, an appeal will lie against his finding to the Civil Surgeon of the area in which the plantation is situated.

COMMENTS

Chapter II deals with the Inspecting staff wherein rules have been framed as prescribed under Section 5 of the Plantations Labour Act, 1951 (LXIX of 1951). It prescribed powers and functions of the Inspectors.

Rules 5 and 6 framed as prescribed under Section 7 of the Act 69 of 1951, Rule 5 deals with duties of Certifying Surgeons. Whereas under Rule 6 appeal before Civil Surgeon of the area may be preferred against the order appointing any qualified medical practitioner to the post of Certifying Surgeon.

CHAPTER III

Health

(Rules prescribed under Section 8)

7. Drinking Water.- An adequate supply of wholesome drinking water shall be made available in every plantation at work-sites, at all time during working hours.

8. Source of Supply.- The water provided for drinking shall be supplied—

(a) from the taps connected with a public water supply system; or

(b) from any other source approved by the Chief Inspector of plantations.

9. Storage of Water.- If drinking water is not supplied from taps connected with a public water supply system, it shall be kept in suitable vessels and renewed at least daily. All practicable steps shall be taken to preserve the water and vessels from contamination and keep the vessel scrupulously clean.

10. Clealiness of Well or Reservoir.- (1) Drinking water shall not be supplied from any open well or reservoir unless it is so constructed, situated, protected and maintained as to be free from the possibility of pollution by chemical or bacterial and extraneous impurities.

(2) Where drinking water is supplied from such well or reservoir, the water in it shall be sterilised periodically as required by the Inspector by written order, and the date on which sterilising is carried out shall be recorded :

Provided that this requirement shall not apply to any such well or reservoir if the water therein is filtered and treated before it is supplied for consumption.

11. Report from the Health Officer.- The Inspector, may, by order in writing, direct, the employer to obtain, at such time or at such intervals as he may direct a report from the Health Officer of the Certifying Surgeon if the former is not available, as to the fitness for human consumption of the water supply to workers, and in every case to submit to the Inspector a copy of such report as soon as it is received from the Health Officer.

12. Distribution of Water.- Drining water shall be supplied at work-sites at conveniently accessible points through paniwallas or by tankers, *etc.*

(Rules prescribed under Section 9)

13. Latrine accomodation.- (a) Latrine accommodation shall be provided in every plantation the scale of one latrine for every fifty acres of the area under cultivation or part thereof :

Provided that ther shall be at least one latrine each for either sex.

(b) The latrines shall be conveniently situated and shall have exclusive access for either sex.

14. Latrines to conform to public health requirement.- The

1. Insterted the words " an examination bed" in sub-rules (7) of Rule 5, *vide* Notification No. GLR. 146/75, dated the 17th July, 1975 (w.e.f. 17.7.1975).

lateriners should conform to public health requirements and latrines other than these connected with an efficient water borne sewage-system shall comply with the requirement of the public health authorities.

15. Privacy of latrines.- Every latrines shall be under cover and so partitioned off as to secure privacy and shall have a proper door and fastenings.

16. Signboards to be displayed.- Where workers of both sexes are employed there shall be displayed outside each latrine block, a notice in Hindi and also ["in the languages"]¹ understood by the majority of workers "for Men only" or "for Women only" as the case may be. The notice shall also bear the figure of a man or of a woman as the case may be.

17. Water taps in latrines.- (a) Where piped water supply is available, a sufficient number of water taps, conveniently accessible shall be provided in or near such latrine accommodation.

(b) If, piped water supply is not available, sufficient quantity of water shall be kept stored in suitable receptacles near the latrine.

18. Urinal accommodation.- Urinal accommodation shall be provided in addition to the latrine accommodation as prescribed under Rule 13.

19. Urinals to conform to public health requirements.- Urinals should conform to public health requirements, Urinals other than those connected with an efficient water-borne sewage system shall comply with the requirements of the Public Health authorities.

20. Construction and maintenance of drains.- All drains carrying waste or sullage water shall be constructed in masonry or other impermicable materials and shall be regularly flushed and the effluent disposed of by connecting such drains with a suitable drainage line :

Provided that where there is no such drainage line, the, effluent shall be deodorised and rendered inocous and disposed of in suitable manner to the satisfaction of the Health Officer.

MEDICAL FACILITIES

Medical Advisory Board

21. The State Government shall by notification in the official *Gazette*, constitute a Medical Advisory Board for consultation in regard to matters connected with the provision of Medical facilities.

1. Substituted for the words " in the language" by the " in the lanuages" in Rule 16, *vide* Notification No. GLR. 146/75, dated the 17th July, 1975 (w.e.f. 17.7.1975).

22. Composition of Medical advisory Board.- (1) The Advisory Board shall consist of—

- (i) three persons to be nominated by the State Government, of whom one shall be notified as Chairman;
- (ii) two representatives each of the employers and workers nominated in consultation with the interests concerned.

(2) No act or proceedings of the Advisory Board shall be invalid on the ground of any defect in the constitution of, or any vacancy in the Board.

23. Term of office of members.- (1) A nominated members shall, unless he resigns his office or dies, hold office for a period of three years from the date of the notification appointing him a member of the Board and shall be eligible for renomination :

Provided that an outgoing member shall continue in office until the appointment of his successor is notified.

(2) The official members of the Board shall hold office during the pleasure of the State Government.

24. Travelling allowances for members - Every non-official member shall be entitled to draw travelling and daily allowances at the ordinary rate as admissible to a Government servant of the Ist Class for any journey performed by him for attending a meeting of the advisory Board.

25. Resignation.- A non-official member may resign his office by letter addressed to the Chairman of the Advisory Board and his office shall fall vacant from the date on which his resignation is accepted by the Chairman.

26. Vacation of office.- A nominated member may be declared by the Chairman of the advisory Board to have vacated his office—

- (a) if he becomes insolvent; or
- (b) if he is convicted of an offence, which in the opinion of the State Government involves moral turpitude; or
- (c) if he is absent from three consecutive meetings of the Advisory Board without leave of absence from its Chairman;
- (d) if the State Government consider it undesirable that he should continue to be member of the Advisory Board; or
- (e) if he is declared to be of unsound mind by a competent court.

Procedure relating to meetings

27. Disposal of business.- (1) Every question which the Advisory Board is requested to take into consideration, shall be considered ["within a period of three months from the date of referred"]¹ either at its meeting or, if its Chairman so desires, by circulating the necessary paper to all the members for their opinion :

Provided that the papers need not be circulated to a member who is at the time outside India.

(2) When question is circulated for opinion under sub-rule (1), any member may request that the question be considered at a meeting of the Advisory Board and thereupon the Chairman may, and if the request is made by three or more members, shall, direct that it be so considered.

["28. Meeting.- The Advisory Board shall meet at least once a year at such time and place as may be appointed by the Chairman."]²

29. Notice of meetings.- (1) Notice shall be given to every member of the time and place fixed for each ordinary meeting at least fifteen days before such meeting and each member shall be furnished with a list of business to transacted at the meeting :

Provided that, when an emergent meeting is called by the Chairman a notice giving such reasonable time as he may consider necessary shall be deemed sufficient.

(2) No business which is not in the list shall be considered at a meeting without the permission of the Chairman.

30. Presiding at meeting.- The Chairman of the Advisory Board shall preside at every meeting of the Board at which he is present. If the Chairman is absent from any meeting, the members present shall elect one of the members to preside over the meeting and the member so elected shall at that meeting exercise all the powers of the Chairman.

31. Quorum.- No business shall be transacted at the meeting of the Advisory Board, whether ordinary or emergent, unless at least three members are present :

1. Inserted the words "within a period of three months from the date of reference" in sub-rule (1) of Rule 27, vide Notification No. GLR.146/75, dated the 17th July, 1975 (w.e.f. 17.7.1975).

2. Substituted Rule " 28 " by *ibid*.

Note - Before substitution "Rule 28" read as follows—

" **28. Time and place of meetings.-** the Advisory Board shall meet at such time and place as may be appointed by the Chairman."

Provided that if any meeting; less than three members are present the Chairman of the Advisory Board may adjourn the meeting to a date not later than seven days, informing the members present and sending notice, to other members that he proposes to dispose of the business at the adjourned meetings. Whether there is a quorum or not, and he may thereupon dispose of the business at such adjourned meeting even if there is no quorum.

32. Decision by majority.- (1) Every question at a meeting of the Advisory Board shall be decided by a majority of votes of the members present and voting on the question but the minority shall have the right of getting their dissent recorded. In the case of an equality of votes, the Chairman shall have a second or casting vote.

(2) Every question referred to the members for opinion shall unless the Chairman reserves it for consideration at a meeting be decided in accordance with the opinion of the majority of members submitting their opinions within the specified time.

33. Minutes of meetings.- (a) The proceedings of each meeting of the Advisory Board shall be circulate to all members not later than two months from the date of the meeting and thereafter recorded in a minute book which shall kept for permanent record.

(b) The record of the proceedings of each meetings shall be signed by the Chairman of the Advisory Board or, as the case may be by the person presiding at that meeting.

34. (1) The Advisory Board shall advice the State Government as regards the standard of medical facilities to be provided which may be approved.

(2) The Advisory Board shall scrutinise yearly progress reports from employer and advise that State Government to issue such instruction in the light there of as will ensure compliance with the relevant provisions of the Act and these Rules within the scheduled period.

(3) In addition to matters specified in sub-rules (1) and (2) the Advisory Board shall consider and report on any matter connected with the provision of medical facilities which may be referred to it by the State Government or the Chairman of the Board.

(Rules prescribed under Section 10)

35. Types of Hospitals.- There shall be two types of hospitals in plantations, *viz*, Garden Hospitals and Group Hospitals—

(i) **Garden Hospitals** will deal with out-patients, in-patient not requiring any elaborate diagnosis and treatment, infectious

cases, mid-wifery, simple pre-natal and post-natal care of infants and children and periodical inspection of workers.

(ii) Group Hospitals shall be capable of dealing efficiently with all types of cases normally encountered but will not be used for routine treatment. Admission to Group Hospitals shall be only on the recommendation of a garden hospital doctor.

36. Garden Hospitals.- ["(1) Subject to the provisions of sub-Rule (2), every employer shall be the 31st December, 1956, provide a garden hospital in his plantation according to the standard laid down in these rules.

(2) Every employer of plantations ordinarily employing less than 500 workers may, however, provide a garden hospital in his plantation according to the standard laid down in these rules or have a lien on the beds of a neighbouring garden or other hospital to the scale of 15 beds per 1,000 workers provided such hospital is situated within a distance of five kilometers from the garden Office.

(3) In case of lien on hospital beds, the plantation concerned shall provide and run for the benefit of the outpatients a dispensary of its own with at least two detention beds of the standard approved by the Chief Inspector of plantations under the immediate care and supervision of a full time qualified pharmacist assisted by a full time trained nurse-cum-midwife and visited daily at regular hours by the qualified medical practitioner of the hospital on the beds of which it has a lien, patients requiring detention at the hospital and treatment therein being removed to it forthwith.

(4) Notwithstanding anything contained in sub-rules (1) and (2), a part of plantation under the name and style of an out-garden or division of the like employing not less than 200 workers, the residential areas of which are situated at a distance of two

1. Substituted sub-rules "(1)", "(2)", "(3)", "(4)", "(5)" and "(6)" of Rule 36 *vide* Notification No.GLR. 146/75, dated the 17th July, 1975 (w.e.f. 17.7.1975)

Note- Before substitution sub-rules "(1)", "(2)", "(3)", "(4)", "(5)" and "(6)" read as follows-

"(1) Subject to the provisions of sub-rules (2) and (3), every employer shall, by the 31st December, 1956, either,

(a) provide a garden hospital in his plantation according to the standard laid down in these rules; or

(b) have a lien on beds in such hospital in a neighbouring plantation or other hospital to the scale of 15 beds per 1,000 workers as may approved by the Chief Inspector:

Provided that in the case of lein on hospital beds outside the plantation, a plantation or group of plantations may provide a dispensary with upto 5 detetion beds under the immediate care and supervision of a qualified medical practitioner assisted by at

Contd.

kilometers or more by road from the garden hospital, shall have dispensaries with two detention beds of the standard approved by the Chief Inspector of plantations under the immediate care of full time qualified pharmacist assisted by a full time trained midwife, but supervised and visited daily at regular hours by the qualified medical practitioner of the garden hospital for the treatment of out patients only, patients requiring detention at the hospital and treatment therein being removed to it forthwith.

(5) Each garden hospital shall be at lest under a whole time qualified medical practitioner assisted by at least one trained nurse, one trained midwife, one qualified pharmacist and one trained health assistant, all of whom shall be wholetime ones, and all of whose services should be readily available during all hours.

least a full-time trained nurse and such other staff as the Chief Inspector may consider necessary, with corresponding reduction in the number of beds on which the plantation or group of plantation shall have a lien.

(2) A plantation employing 1,000 or more workers shall run its own garden hospital wherever possible while plantation employing less than 1,000 workers which are situated within reasonable distances from another may, with the approval of the Chief Inspector, combine and provide joint hospitals/dispensaries and share their expenses. For this purpose, the plantations concerned shall submit to the Chief Inspector particulars of the scale of staff proposed to be employed, the equipment proposed to be provided, the location of joint hospitals/dispensaries, areas of plantations served, the distances of plantations from one another the number of workers employed and all other relevant information :

Provided that in the case of combined hospitals, plantations employing more than 200 workers shall, wherever possible, run their own dispensaries referred to in proviso to sub-rule (1).

(3) In the plantations where a garden hospital/dispensary or a combined garden hospital/dispensary provided under sub-rule (1) and sub-rule (2) is not situated, the employer shall also provide and maintain so as to be readily available during all hours at least one first-aid box or cup-board equipped with such contents as may be specified by the Chief Inspector. The first-aid box or cup-board shall be kept in-charge of a responsible person trained in first-aid treatment whose services shall be readily available during all hours to render first-aid.

(4) Notwithstanding anything contained in sub-rules (1) to (3) an inaccessible plantation employing 350 or less workers so situated as not to be within reasonable distance or reach of a garden hospital shall have, subject to the approval of the Chief Inspector, dispensaries with upto 5 detention beds under the immediate care of a full-time qualified compounder, but supervised and visited daily at regular hours by the nearest garden doctor.

(5) Each garden hospital shall be under a qualified medical practitioner assisted by at least one trained nurse, one trained mid-wife, a qualified compounder and a trained health assistant. The services of the staff shall be readily available during all hours.

Provided that doctors employed in plantation at the commencement of these rules who are not qualified medical practitioners, may continue in service until they retire.

(6) Medical and auxiliary personnel shall be appointed according to the following scale:-
Qualified Medical practitioner/number of workers not less than 1/1750

Contd.

(6) Subject to the provisions of sub-rules (3), (4) and (5) above medical and auxiliary personnel shall be appointed according to the following scale—

Qualified medical practitioner-	One per every 1,750 workers or part thereof.
Midwife-	One per every 1,750 workers or part thereof.
Trained nursing attendants-	One per every 300 workers or part thereof.
Pharmacist-	One per every, 1,750 workers or part thereof.
Health assistant -	One per every 2,100 workers or part thereof"]

(7)(a) A minimum of 15 beds shall be provided in every garden hospital per 1,000 workers served and each bed shall be allowed at least 60 sq. ft. of floor space.

(b) Every hospital shall be of sound permanent construction, with impermeable washable walls to a height of at least 5 feet on the inside with proper water supply and efficient sanitary arrangement.

(c) Every hospital shall have pure piped water supply and the wards, consulting room, operation theatre and dispensary shall each have a water point over a suitable glazed sink.

(d) The following department shall be provided—

- (i) Genral ward for males;
- (ii) General ward for female;
- (iii) Maternity ward with separate labour room;
- (iv) Family Planning Centre;
- (v) T.B. and V.D. Clinics;
- (vi) Out-patients department (with sufficient waiting space for patients to wait under cover preferably situated in a separate block from general wards);
- (vii) Consulting room so arranged that patients can be examined in privacy;
- (viii) Minor operation and dressing room;
- (ix) Dispensary and Drug Store;
- (x) General Store;
- (xi) Kitchen for cooking (fly-proofed);

Midwives/number of workers not less than	1/1750
Nursing attendants/number of workers not less than (Male or Female)	1/700
Compounder / number of workers not less than	1/1750
Health assistants/number of workers not less than	1/2100."

["(xii) Separate small isolation wards for ordinary communicable diseases;

(xiii) A separate block at a reasonable distance from the general wards and the isolation wards for infections, T.B. patients with completely separate lavatories and baths exclusively for their use."]¹

(e) In every hospital, transport facilities shall be provided for carrying patients to and from Group Hospitals free of charge by the employer.

["(f) In every plantation stretcher with bearers shall be maintained for carrying needy patients free of charge from the residential areas to the dispensary of the hospital, as the case may be.

(g) In every plantation having lien on the beds of a neighbouring garden or other hospital transport facilities shall be provided for carrying patients to and from such hospital free of charge by the employer".]²

37. Group Hospitals.- ["(1) Group hospitals shall established by the employers of the plantations situated in the areas or sub-areas as specified by the Chief Inspector of plantations within the time limit prescribed by him in consultation with the Medical Advisory Board at such places are considered central or otherwise suitable to the groups of the gardens concerned and share the cost of establishment, running, *etc.* of such hospitals."]³

(2) Plans for the establishment of Group Hospitals containing detail as regards their location and size, areas of plantations served, the number of workers employed thereon, *etc.*, shall be approved by the State Government.

(3) Every group Hospital shall have a minimum or 100 beds and there shall be at least 3 beds per 700 workers, every bed having 80 sq. ft. of floor space :

Provided that the State Government may fix a lesser number of beds to be provided in a Group Hospital, and exempt a group of plantation from providing a group Hospital, if it is satisfied that educate alternative arrangements exist for treatment of patients intended to be treated at a Group Hospital :

1. Inserted as a new sub-clauses "(XII)" and "(XIII)" in clauses (d) of sub-rule (7) of Rule 36 *vide* Notification No. GLR. 146/75, dated the 17th July (w.e.f. 17.7.1975).

2. Inserted clause "(f)" and "(g)" after clause (e) in sub-rule (7) of Rule 36 by *ibid.*

3. Substituted sub-rule "(1)" of Rule 37 by *Ibid.*

Note- Before substitution sub-rule "(1)" of Rule 37 read as follows-

" (1) " Group Hospitals shall be established where necessary after consultation with the Medical Advisory Board.

Provided further that no exemption shall be allowed without the previous approval of the Central Government.

(4) The hospitals shall be built according to such specifications as may be approved by the State Government.

(5) There shall be provision for piped supply of pure water, electricity, modern methods of sanitation and water flushed closets. Each ward, labour room, surgical dressing room, consulting room and dispensary shall have a water point over a suitable glazed sink :

Provided that with the approval of the State Government, suitable alternative arrangements may be made in regard to supply of pure water, electricity and other modern methods of sanitation.

(6) Each Hospital shall have subject to the recommendation of the Advisory Board, provision for—

- Operating Theatre block;
- X-Ray block;
- Physical therapy block;
- Dental treatment block;
- Labour room;
- T. B. and V. D. clinics;
- Consulting and examination rooms;
- Clinical Laboratory, fully equipped;
- Dispensary;
- Administrative and office block;
- Kitchen and Laundry blocks;
- Lavatories and bathrooms;
- Stores;
- Mortuary and post-mortem room;
- Out-patients block which should preferably be at some little distance from the wards.

Separate wards shall be provided for males, female, maternity cases and small isolated wards for infections diseases :

Provided that X-Ray, Physical Therapy Blocks and Dental treatment block may not be provided if satisfactory arrangements are made by an employers to provide these facilities with some hospital approved by the Chief Inspector.

(7)(a) Every Group Hospital shall have such medical and other staff as may be specified by the State Government. All doctors in a Group Hospital shall be qualified medical practitioners.

(b) There shall be 15 nurses for a 100 bedded hospital of whom one shall be senior trained, 5 junior trained and 9 assistant nurses. Such classification may be made according to their qualifications and experience.

(8) A properly equipped ambulance shall be maintained in every Group Hospital.

38. Equipment and drugs.- Every dispensary, garden hospital and group hospital shall maintain such equipment and drugs, etc., as may be specified by the State Government.

39. Medical records.- The Medical Officer-in-charge of each dispensary, garden or group hospital shall—

(a) maintain such registers, books accounts and a medical record in respect of every patient as may be prescribed by the State Government for the purpose; and

(b) comply with such regulations as may be made by the State Government in respect of medical stores.

40. Standard of medical facilities.- (a) Out-patient's treatment It shall include—

- (i) detention for observation and treatment;
- (ii) preventive treatment such as vaccination and inoculations;
- (iii) free provision of all drugs including those needed for injections and dressings and appliances that may be considered necessary;
- (iv) anti-natal, natal and post natal advice;
- (v) provision of certificates free of cost, in respect of maternity and sickness benefit claims under Section 32 of the Act.

(b) **In patients' treatment.-** The hospital treatment shall include maintenance, food ["as prescribed in consultation with the Medical Advisory Board"]¹ and medicines, including treatment as confinement as may be available at the Hospital :

[Deleted]²

(c) In the event of any complaint to the effect that the treatment

1. Inserted the words in clause "(b)" of Rule 40, *vide* Notification No. GLR.146/75, dated the 17th July, 1975 (w.e.f. 17.7.1975).

2. Deleted "Proviso" to clause (b) of Rule 40 by *Ibid*.

Note : Before deleted "Proviso" to clause (b) of Rule 40 read as follows—

"Provided the State Government may fix the charge of food supplied to a patient while he is in the hospital.

given in a hospital/dispensary is inadequate, the State Government may cause enquiries to be made by an officer not below the rank of the District Civil Surgeon, and issue such directions for further treatment as may be considered necessary.

41. Submission of scheme for the provision of medical facilities and progress report.- (1) Within six months of the promulgation of these rules every employer shall submit to the State Government concerned a scheme for providing medical facilities according to the prescribed standards. The scheme shall show the various stages in the required medical facilities and the dates by which these are proposed to be provided.

(2) Every employer shall furnish to the State Government concerned reports in such form as may be prescribed by the 31st January and 31st July every year to show progress made in providing medical facilities according to the approved scheme. Medical facilities shall be providing according to the approved scheme.

42. Failure to provide and maintain medical Facilities as required in these rules.- (1) If any employer does not provide and maintain medical facilities as required in these rules to the satisfaction of the Chief Inspector, the latter will cause to be provided and maintained these facilities in the nearest garden hospital or dispensary, or in a District Board or other similar hospital, "or if he considers necessary authorise either by general or special order medical treatment by any qualified medical practitioner and/or in any hospital that may be found convenient". The defaulting employer shall be liable to pay the cost of such medical facilities including charges, if any, in respect of—

- (a) a medical officer's visit to the plantation for the purpose of attendance on any sick worker or worker's;
- (b) the maintenance of sick worker in a hospital/dispensary for each day's maintenance; and
- (c) transport to and provided sick worker :

In addition to the above, the defaulting employer may be liable to pay a penalty as determined by the Chief Inspector of Plantations which may extend to a like amount.

¹["(2) If any group of plantations required under these rules to

1. Substitution, sub-rule "(2)" of Rule 42 *vide* Notification GLR.146/75, dt. 17.7. 1975.

Note: Before substitution sub-rule (2) of Rule 42 read as follows—

- (2). If any group of plantations required under these rules to provide the facilities of a Group Hospital fail to do so, the State Government may, on the advice of the Advisory Board, cause such facilities to be provided in the available medical Institutions in such manner as may be recommended by the Board and recover the cost thereof by a levy based on the acreage under tea which may be recovered, as hereinafter provided, as an arrear of land revenue.

provide the facilities of a group hospital fail to do so, the State Government may, on the advice of the Medical Advisory Board, cause such facilities to be provided in such manner as may be recommended by the Board and recover the cost thereof by levies based on the hectair age under tea or on any other basis and such levies may be recovered, as herein after provided, as an arrear of land revenue."]

¹["**43. Recovery of sum due under Rule 42.-** When any sum of money is due from any employer under Rule 42, the Chief Inspector or the State Government as the case may be, shall give him a notice in writing requiring the payment of the amount to collector, who shall recover the same as an arrear of land revenue with the last possible delay."

COMMENTS

Chapter III deals with "Health" framing rules prescribed under Section 8, 9 and 10 of the Plantations Labour Act, 1951, (LXIX of 1951).

Rules prescribed under Section 10 of the Act 69 of 1951, deals with types of hospitals, Garden hospitals, Group hospitals, equipments and drugs, medical records, standard of medical facilities etc.

CHAPTER IV

Welfare

(Rules prescribed under Section 11)

"44. Canteens.- In or near every plantation wherein one hundred and fifty or more workers are ordinarily employed the employer shall provide and maintain a canteen or canteens with facilities for sale of tea, snacks and other foodstuffs, as specified by the Chief Inspector of plantations with prior approval of the State Government, at or as near as possible to their place or places of work."

1 Substituted Rules "43", "44" and "45" *vide* Notification No. GLR. 146/75, dated the 17th July, 1975 (w.e.f. 17. 7.1975).

Note : Before substitution Rules "43", "44" and "45" read as follows—

"43. Recovery of sum due under rule 28.- When any sums of money is due from any employer under rule 42, the Chief Inspector shall give him notice in writing requiring the payment of the amount to the Collector, who may recover the same as an arrear of land revenue."

"44. Canteens.- In or near every plantation wherein one hundred and fifty or more workers are ordinarily employed, the employer shall provide and maintain a canteen or canteens with facilities for sale of tea and snacks to workers."

"45. Prices to be charged.- (1) Tea and snacks served in every canteen shall be sold on a no-profit basis.

(2) The prices of all items served in the canteen shall be conspicuously displayed in every canteen.

"45. Prices to be charged.- (1) Tea and snacks and other foodstuffs served in every canteen or at the work places from every canteen shall be sold on a no-profit basis. Furniture, fuel, utensils, glasses, cups, dishes, *etc.*, accomodation for the canteen and personnel to run its day to day affiars, *e.g.*, cooks servers *etc.*, shall be provided at the cost of the employer and no charges shall be made at all on those accounts in working out the prices of the items to be sold from the canteen."

["45 A.- (1) Food-stuff shall be prepared and served in every canteen or at the work places, as the case may be in proper hygienic condition approved by the certifying Surgeon and they shall be taken to the work places in closed fly and dustproof containers.

(2) Every canteen shall be run under the supervision of a canteen Management Committee consisting of equal number of representatives of both the management and the workers. The workers, representatives shall be nomminated by the recognised Union and the management's representatives shall be nominated by the employer. One of the management's representatives, as nominated by the employers shall be the Chairman of the Committee, total numbers members of which shall in no case exceed ten.

(3) The decisions in the Canteen Management Committee shall be taken by majority of votes and in case of a tie, the Chairman shall have a casting vote.

(4) The members of the Canteen Management Committee shall be nominated ordinarily for one term which shall be of two year(s) duration. No member, except the Chairman, shall be nominated for more than three consecutive terms.

(5) The Canteen Management Committee shall sit as least once in a month and shall keep full minutes of its meetings a bound register authenticated by the members present by putting their signature or thumb impression and shall preserve the Minute Book for three years from the date of the last entry made therein.

(6) Copies of the Minutes of the Canteen management Committee Meetings shall be sent to the Chief Inspector and the Local Inspector as the expeditiously as possible."¹

(Rule prescribed under sub-section (3) of Section 12)

46. Creches.- ["(1) In every plantation wherein fifty or more women workers employed or were employed on any day of the preceding twelve months, the employer shall provide and maintain

1. Inserted as new Rule "45A" by *Ibid.*

crecher for the use of the children who are below 2 years of age at suitable sites at the work places to the scale of one of every 25 hectares of tea or part thereof as also creches for the use of the children who are between the age of 2 and 6 to the scale of at least one for each of the main and the outgarden, if any, All these creches shall be according to the standard laid down in these Rules."¹

(2) Every crech shall be conveniently accessible to the mothers of the children accommodated therein.

(3) There shall be not less than 15 sq. ft. of floor area for each child to be accommodated in a creche.

(4) The building in which the creche is situated shall be of sound construction with a good plinth.

(5) The plan of the creche building shall be in accordance with the standard plan or plans down by the Chief Inspector :

Provided that where no standard plan has been laid down or where it is proposed to deviate from a standard plan, the Chief Inspector's approval shall be obtained.

["(6) The creches shall be furnished with suitable furniture such as co.s to lie down ; benches to sit, a hammock for each child below the age of two years, *etc.*, and provided with toys and other play things as may be specified by the Chief Inspector of plantations with prior approval of the State Government."¹

(7) A suitably fenced and shady open air play-group shall be provided for the older children.

(8) The employer shall appoint—

- (i) a women as Creche-in-charge to look after children during the absence of their mothers, who shall possess such qualifications and training as may be approved by the State Government; and

¹["(ii) Such other staff to the scale of one for every 20 children

1 Substituted sub-rule "(1)" of Rule 46, sub-rule "(6)" of Rule 46, and clause "(ii)" of sub-rule (8) of Rule 46 *vide* Notification No. GLR 146/75, dated the 17th July, 1975 (w.e.f. 17. 7. 1975).

Note : Before substitution sub-rule "(1)", sub-rule "(6)" of Rule 46 and clause "(ii)" of sub-rule (8) of rule 46 read as follows—

46. Creches - (1) In every plantation wherein fifty or more woman workers are employed or were employed on any day of the preceding twelve months, the employer shall provide and maintain a creche or creches for the use of their children who are below the age of six years according to the standards laid down in these rules."

"(6) The creche shall be furnished with suitable furniture and a credle for each child below the age of two."

"(ii) such other staff on a scale approved by the said authority."

or part thereof as may be approved by the said authority."]

47. Wash room.- (1) There shall be in or adjoining the creche a suitable wash-room for the washing of the children and the clothes.

(2) There shall be provided a latrine for the use of children in the creche.

[**48.** (1) At least 0.25 litres of clean fresh milk or powdered milk approved by the Certifying Surgeon and wholesome refreshment shall be made available by the employer at his own cost for each child upto two years of age on every day, it is accommodated in the creche. For children above two year of age there shall be provided at the cost of the employer an adequate supply of wholesome solid food on every day, each such child is accommodated therein.

(2) The mother of each child below two year of age accommodate in the creche shall be allowed in course of her daily work two intervals of sufficient time to visit the creche and to feed her child."]¹

[**Deleted**]¹

Provided further that existing practice of providing free food to children in some plantations shall continue unaffected.

49. Supply of clothes, soap and oil.- (1) The creche staff shall be provided with suitable clean cloths for use while on duty in the creche.

An adequate supply of towel, soap and oil shall be made available for each child while it is in the creche; in addition, clean clothes shall be provided to each child under three years of age for use in the creche.

(Rules prescribed under Section 13)

50. Recreational facilities.- Every employers shall provide and maintain—

¹ Substituted Rule "48" and [deleted] first "Proviso" to Rule 48 *vide* Notification No.GLR.146/75, dated the 17th July, 1975 (w.e.f. 17.7.1975).

Note : Before substitution Rule "48" and deleted "Proviso" originally read as follows—

"48. On request by workers, arrangement for providing some pure milk if possible; otherwise powdered milk approved by Certifying Surgeons and/or wholesome refreshments to children may be made in creche on payment by workers of nominal charge to be fixed by the Chief Inspector of Plantations :

Provided however, the Chief Inspector of Plantations may direct that milk or wholesome refreshments, the quantity of which may be determined on the advice of Certifying Surgeons, shall be served to children, free of charge in a creche on medical grounds :"

["(i) Recreation Centre to the scale of one for every one hundred and seventy-five families of resident workers or part thereof with provision for a radio set and indoor games for adult and child workers as specified by the Chief Inspector of Plantations with prior approval of the State Government subject to there being at least one centre for each Plantation or outgarden thereof;"]¹

(ii) where adequate flat open space is available within a reasonable distance, a playground or playgrounds for adult and child workers with necessary sports equipment for out-door games:

[**Deleted**]¹

51. Every recreation centre to be provided and maintained under Rule 50 shall be conveniently situated as near as possible to the workers quaters.

(Rules prescribed under Section 14)

52. Educational facilities for worker's children.- Every employer shall if the number of worker's children between the ages of 6 and 12 in his plantation exceeds 25, provide and maintain a Primary School or Schools for imparting Primary education to the children :

Provided that an employer may not provide and maintain a Primary School if there is one under the direct management of the State Government or of any local body for imparting free education to the children up to the primary or higher standard, with enough seat to admit the children between the ages of six and twelve of the workers in his plantation and within a distance of one mile from the place where workers reside in his plantation, or if under any other law he is required to pay a cess or tax for primary education :

Provided further that ssubject to the provisions of sub-rule (1) of Rule 53 a group of employers may jointly provide and maintain a Primary School and share its expenses.

¹ Substituted clause "(i)" of Rule 50 and deleted "Proviso" of Rule 50, *vide* Notification No. GLR.146/75, dated the 17th July, 1975 (w.e.f. 17.7.1975).

Note - Before substitution clause "(i)" and "proviso" of Rule 50, originally read as follows-
"(i) a recreation centre or centres for workers with provision for a radio set and indoor games suitable for adult and child workers."

"Provided that subject to the provision of Rule (1) a group of employers may with the approval of the Chief Inspector, provide and maintain joint recreation and playgrounds and share their expenses."

53. (1) Every school to be provided and maintained under Rule 2 shall be centrally situated.

(2) The school building shall be constructed in accordance with the standard plan or plans which may be laid down by the State Education Department :

Provided that where is no standard plan or where it is proposed to deviate from a standard plan, the State Education Department approval of the plan of the school building shall be obtained.

(3) Where adequate space is available, an open air playground with, suitable accessories shall also be provided for the children attending the school.

54. The employer or employers as the case may be shall provide for every Primary School maintained under Rule 53 such educational and other equipment as may be considered necessary by the State Education Department.

55. (1) The employer or employers concerned shall appoint one teacher for every forty children ["or part thereof on the roll of"]¹ [deleted]² the Primary School.

(2) The teacher shall possess the qualifications prescribed by the State education Department for teachers in Government Primary Schools :

Provided that in the case of any person who is working as a school teacher in a plantation at the commencement of these rules the State Education Department may, subject to such conditions as it, may specify, relax any of the qualifications.

56. The curriculum duration, standard and syllabus of the course of instruction to be imparted in the Primary School shall be such as may be approved by the State Education Department.

57. No fees shall be charged from the workers' children attending the Primary School.

³["**57-A.** The State Government may by notification in the Official *Gazette*, constitute an Advisory Board to advise the State Education Department on the matters relating to provision of education facilities to the worker's children.

Rules 22 to 33 shall apply to every matter specified therein connected with the composition and functioning of the Board].

1. Inserted the words "or part thereof on the roll of " in sub-rule (1) of Rule 55 *vide* Notification No. GLR.146/75, dated the 17th July, 1975 (w.e.f. 17.7.1975).

2. Deleted the word "attending" by *ibid*.

3. Inserted Rule "57A" *vide* Notification No. GLR. 78/54/62, dated the 10th March, 1959.

(Rules Prescribed under Section 16)

58. Housing accommodation for workers.- Every employer shall provide for worker and his family residing in a plantation, housing accommodation as near as possible to the place of work. Accommodation conforming to the prescribed standards may, however, be provided in course of several years subject to such houses being constructed for at least eight percent of the resident workers annually :

Provided that for satisfactory reasons to be recorded in writing by the employer and on the advice of the Housing Board, the State Government may relax this requirement to build for a certain fixed percentage of workers.

59. Standard and specification of housing accommodation.- All housing accommodation for workers in a plantation shall conform to such standards and specifications as may be approved by the State Government on the recommendation of the Advisory Board referred to in Rule 68.

60. Sites for housing accommodation.- (1) The housing accommodation shall be provided on dry well-drained land which, consistent with the requirement regarding distance from the plantation, has supplies of wholesome drinking water within a reasonable distance. In materials tracts, the houses shall be provided at a safe distance from the swamps and marshes and above the highest flood level.

(2) Adequate lighting arrangements shall be provided in and around the area in which housing accommodation is provided.

(3) The employer shall maintain in good condition the approach roads and paths to the area where houses are located as also the sewers and drains in that area.

(4) The employer shall not deny to the public free access to those parts of the Plantation where the workers are housed.

(5) The employer shall cause the vicinity of all houses to be kept clear of refuse and excreta and the latrines and drains to be cleaned out daily and all refuse in or near them to be collected, removed and disposed of hygienically.

61. Housing scheme.- Within six months of the date of issue of these rules, every employer shall submit to the Chief Inspector of Plantations for approval, a scheme in regard to the provision by him of housing accommodation for workers. The scheme shall provide for following matters—

- (1) Specification of the period during which housing accommodation is proposed to be provided in respect of all resident workers in a plantation, such period being not later than the period referred to in Rule 58.
- (2) The type design which is proposed to be adopted for the construction of houses such design being in conformity with the standards and specifications as may be approved by the State Government under Rule 59.
- (3) Plan and site plan, in duplicate of the building to be constructed or remodelled for use as worker's houses.

62. Construction of houses in accordance with scheme and report in relation thereto.- All houses shall be built in accordance with the scheme as approved in writing by the Chief Inspector of Plantations. With a view to showing the progress made in providing houses according to the approved scheme, every employer shall submit to the Chief Inspector of Plantation a report in Form No. 4 on the 21st July every year.

63. Maintenance of houses.- (1) The employer shall, at his own expenses, maintain all houses provided for accommodation of workers in a fit and safe condition and execute annual and such other repairs as may be necessary from time to time.

(2) A worker occupying a house may, and an Inspector appointed under the Act shall, bring to the notice of the employer any defects in the condition of a house which make it dangerous to the health and safety of the worker. Where an Inspector brings any such defects to notice, it shall be the duty of the employer to rectify them with the least possible delay.

(3) The employer shall get all the houses lime-washed at least once every year and all the doors, windows and other wooden structure varnished or painted once in three years. A record of dates on which lime-washing or painting was carried out shall be maintained in a register in Form No. 5.

Explanation.- The above provisions shall apply to all houses, whether built prior to the enforcement of the Rules or subsequently in accordance with the Housing Scheme and conforming to the standards and specifications as approved by Government.

¹“(4) If any employer fails to comply with the requirements of sub -rules (1), (2) or (3), the Chief Inspector may cause repairs,

1. Inserted as new sub-rule "(4)" in Rule 63, *vide* Notification No.GLR. 146/175, dated the 17th July, 1975 (w.e.f. 17.7.1975).

etc. to be done and realise the cost thereof from the employer as arrears of land revenue.]

64. Accommodation to be rent free.- No rent shall be charged by an employer for the housing accommodation provided to workers and their families residing in his plantation.

65. Occupation of houses.- (1) Houses shall be allotted on the basis of one house for one worker :

Provided that it shall be open to an employer to allot houses to single workers at the rate of a house for not more than ["two"]¹ such workers :

Provided further that if there are more than one worker in a family, only one house shall be allotted to the husband, his wife and non-adult children.

(2) The occupant of a house is all not make any unauthorised additions to or alterations in the house.

(3) The occupant shall not exchange the house with the occupant of another house except with the written permission of the employer.

(4) The occupant shall not let the house or any portion thereof to any person.

(5) All workers and members of their families occupying the houses shall use the latrines provided and shall not pollute the soil and shall keep the houses and the precincts thereof clean and tidy and shall not waste drinking water.

(6) No cattle or goats shall be kept in the living rooms or varendahs and no window or air spaces shall be blocked up.

(7) The employers shall bring to the notice of each worker to whom housing accommodation has been provided, the conditions governing the occupation of such accommodation, in writing in a language which the latter can understand.

66. Occupation of accommodation after termination of employment.- (1) When a worker dies in the service of the employer, or retires, or goes on transfer, or resigns or goes on leave or when his services are terminated, he or his family may retain the house upto the period as detail below—

["(i) in the case of death, transfer, termination of service, retirement or resignation, a period not exceeding two months;"]

1. Substituted for the word "four" by the "two" in Rule 65 by *Ibid*.

- "(ii) in the case of leave, for the period of leave; and
 (iii) in the case where the discharge of a worker is disputed and the matter has been taken to an Industrial Tribunal or Court, for so long as the case is not finally disposed of".]¹

(2) If a worker fails to vacate the house on the expiry of the period mentioned above and continue to occupy the same when no member of his family is working, he shall be liable to pay to the employer such rent at a rate not exceeding 10 percent of his wages as may be fixed by the Chief Inspector of Plantations on the advice of Housing Advisory Board, for the entire period of his unauthorised occupation.

CASE LAW

In the case of *Nagendra Nath Gogoi Vs. Tengapani Tea Co. Ltd.*, (2006 (2) GLT 141) as per the own admission of the petitioner his service came to amend on attaining the age of superannuation. However, it is his grievance that unlike others, his service was not extended by the management of the company. Even if such plea of the petitioner is held to be correct, such refusal to grant extension of service does not fall in the category of discharge from service. It is only in respect of discharge from service, the workman is entitled to the protection as envisaged under Rule 66(1)(iii) of the Rule of 1956. Merely because a reference is pending in respect of extension of service before the Labour Court, petitioner is not entitled to protection and therefore liable to dispossession of the premises.

67. Facilities for harvesting standing crops and termination of employment.- In the case of termination of his employment an worker shall, where possible, be given reasonable facilities to harvest the standing crops in his garden plot.

Advisory Board on Housing

68. Constitution of Advisory Board.- The State Government shall by notification in the *Official Gazette*, constitute an Advisory Board for consultaion in regard to matter connected with housing.

Rules 22 to 33 shall apply to every matter specified therein connected with the composition and functioning of the Board.

1. Substituted clauses "(i)" and "(ii)" of sub-rule (1) of Rule 66, and existing clauses (iii) and (iv) re-numbered as clauses (ii) and (iii) respectively, vide Notification No GLR. 146/75, dated the 17th July, 1975 (w.e.f. 17.7.1975).

Note :- Before substitution clauses "(i)" and "(ii)" sub-rule (1) of Rule 66, read as follows—
 (i) in the case of death, transfer or termination of service, a period not exceeding two months;
 (ii) in the case of retirement or resignation, a period not exceeding one month;

69. Powers and functions of the Advisory Board.- (1) The Advisory Board shall advise the State Government as regards standards and specifications of houses which may be approved.

(2) The Advisory Board shall scrutinise the yearly progress reports from employers and advise the State Government to issue such instructions in the light thereof as will ensure compliance with the relevant provisions of the Act and these rules within the scheduled period.

(3) In addition to matters specified in sub-rules (1) and (2), the Advisory Board shall consider an report on any matter connected with housing of workers which may be referred to it by the State Government or by the Chairman of the Advisory Board.

70. Removal of difficulties.- If there is any difficulty in the working of Rules 58 to 69, the State Government may issue such instructions as it may consider necessary to remove the difficulty.

["70-A. Appointment of Commissioner.- The State Government may by Notification in the *Official Gazette* appoint any Presiding Officer of a Labour Court or an Industrial Tribunal appointed under Section 7 or 7-A of the Industrial Disputes Act, 1947 (*No.XIV of 1947*) as the case may be as Commissioner for such area as may be specified in the Notification to determine the amount of compensation payable under Section 16-A.

70-B. Every application under sub-section (1) of Section 16-C shall be in Form No. 17.

70-C. The Commissioner appointed under Section 16-B shall follow such summary procedure as he thinks fit in determining the amount of compensation payable under Section 16-A.

70-D. Power of Commissioner.- (1) The Commissioner appointed under Section 16-B shall have powers to direct employer to deposit upto the amount claimed by any person who has sustained the injury or any agent duly authorised by the person who has sustained the injury, or where the person who has sustained the injury, is a minor by his guardian or where death resulted out of the collapse of the house, by any dependent of the deceased or if such dependent is a minor by his guardian subject to final determination of the claim and when such a direction has been given, the employer shall deposit the amount so directed to be deposited within three days of the receipt of the order.

(2) Any amount deposited as per the direction made by the Commissioner under sub-rule (1) of this rule shall be duly receipted

by the Commissioner and kept in Treasury pending disbursement of it or any portion thereof to the claimant concerned :

Provided that if after disposal of the application for compensation any amount remain in excess, the excess amount shall be refunded to concerned depositor.

70-E. Fees for person possessing special knowledge.- The Commissioner appointed under Section 16-B shall fix the fees and other incidental expenses to be payable to the persons possessing special knowledge of any matter relevant to the enquiry to assist him in holding the enquiry under sub-section (4) of Section 16-D and direct the payment thereof into the nearest Treasury within specified time by the employer concerned :

Provided that the Commissioner may from time to time direct that any further sum or sums may be deposited into Treasury within such time as he may consider fit :

Provided further that the Commissioner may in his discretion extend the time of depositing the amount into the Treasury."¹

Rule prescribed under Section 17

["71. Facilities for protection from weather.- Every employer shall supply to every worker free of cost (a) one umbrella for every two year, (b) one blanket or jershy for every two years, (c) one pair of chappal for every year and (d) one rain-coat for every two years, of the type and standard as prescribed by the Chief Inspector from time to time with prior approval of the State Government.

The provision of this Rule shall not operate to the prejudice of any right to which a worker may be entitled to under the terms of any award, agreement, settlement or contract of service."²

COMMENTS

Chapter IV deals with "welfare" for labourers/workers employed in plantation framing rules prescribed under Section 11 of the Plantation Labour Act, 1951 concerning canteens, prices to be charged. Rules prescribed under sub-section (3) of Section 12 of the Act of 1951 deal with creches, wash-rooms.

Provisions for recreational facilities providing for workers of plantation

1. Inserted as new Rules "70A" to "70E" vide Notification No. GLR.(RC) 6/82/148, dated the 21st Decemeber, 1984 (w.e.f. 21.12.1984).
2. Substituted "Rule 71" vide Notification No.GLR.146/75, dated the 17th July, 1975 (w.e.f.17.7.1975).

Note - Before substitution of "Rule 71" originally read as follows-

"71. Facilities for protection from weather.- Every employer shall supply to every worker free of cost, at specified interval or intervals, such materials, for protection from rain or cold as may be notified by the State Government."

have been framed as per Rules prescribed under Section 13 of the Act of 1951 whereas. Rules prescribed under Section 14 of the Act of 1951 deal with educational facilities for worker's children, construction of school building, educational and other equipment, appointment of school teacher in a plantation.

Provisions concerning housing accomodation for workers of plantation have been made under Rules 58. Several other provisions relating to housing accommodation have been dealt under Rules 59 to 67. The subject "Advisory Board on housing" have been dealt under Rules 68 to 69. Rule 70 deals with "Removal of difficulties".

CHAPTER V

Hours and Limitation of Employment

Rules prescribed under Section 20

72. Weekly holidays.- (1) Unless otherwise permitted by the State Government no worker shall be required or permitted to work on any plantation on a Sunday, except when he has had, or will have a day of rest on one of the three days immediately preceding or succeeding that Sunday :

Provided that the weekly holiday may be substituted by another day :

Provided further that when work is offered by the employer every worker shall be free to work on a day of rest, which is not a closed holiday, but in so doing he shall not work for more than ten days consecutively without having a holiday for full one day.

(2) Every worker shall be paid for work on the day of rest at the overtime rate prevailing in a particular area as fixed under the Minimum Wages Act, 1948, and where there is no such rate, at double the ordinary rate.

Rule prescribed under Section 23

73. Notice of period of work.- (1) The notice prescribed in Section 23 shall be in Form No.6.

(2) It shall be written in English and in a language understood by the majority of workers in the plantation, shall be displayed at some conspicuous and convenient place and shall be maintained in a clean and legible condition.

(3) Any modification in the period of work in the plantation which may necessitate a change in the aforesaid notice shall be intimated to the Inspector in duplicate, along with a copy of the original notice, either before the change is made or within three days of making any such change.

COMMENTS

Chapter V deals with "Hours and Limitation of employment" wherein Rules prescribed under Sections 20 and 23 of the Act of 1951 have been framed Rule 72 deals with weekly holiday's whereas Rule 73 prescribes procedure regarding notice of period of work.

CHAPTER VI

Sickness and Maternity Benefit

74. Payment of sickness allowance.- (1) Every worker shall be entitled to obtain sickness allowance from his employer for each day of certified sickness for a total period of 14 days in a year at the rate of two-thirds of his daily [*****]¹ wages ["or the average of daily earnings of the days on which he had worked during the preceding three months, if he is employed on piece rates, should this be higher :"]¹

Provided however, that where under existing arrangements the sickness allowance is higher, workers shall not, by dint of this Rule, be deprived of such higher allowance :

Provided further that the worker shall not be entitled to the allowance for an initial waiting period of two days except in the case of spell of sickness following, at an interval of not more than fifteen days, the spell of sickness for which sickness allowance was last paid.

(2) Sickness allowance specified in sub-rule (1) shall be paid at the option of the worker either at the time of payment of weekly advances on account of wages or along with the first instalment of wages payable to the worker after he resumes his works on recovery from certified sickness.

(3) The certificate of sickness shall be issued in Form No.7 (to be supplied by the employer free of cost) by the Certifying Surgeon or a Resident Medical Officer appointed by the employer or any other qualified medical practitioner to every worker entitled to obtain sickness allowance, on a request being made by such worker in this behalf. Every employer shall pay to a worker sickness allowance due to him on presentation of such certificate in accordance with the provisions of sub-rule (2) above. If a worker has to pay any fee for obtaining the sickness certificate, the employer shall bear the cost.

1. Deleted the words "minimum" between the words "daily" and "wages" and the words "as fixed by Government" inserted after the words "wages" in last line in sub-rule 1 of Rule 74 vide Notification No. GLR.146.75, dated the 17th July, 1975.

(4) No sickness allowance shall be paid to a worker if he attends to work on any day for which he has been granted sickness allowance.

["(5) (i) Accumulation of sick leave shall be allowed upto a period of 30 days.

(ii) A worker shall, in addition be allowed 14 days sick leave as admissible to him during the current year.

(iii) A worker may also be allowed to combine at his discretion any balance of annual leave that may be standing to his credit with the sick leave and such balance of annual leave may be prefixed or suffix to it.

Explanation.- Leave under this sub-rule may be allowed only in genuine case of chronic or serious illness or for a prolonged period of convalescence on the basis of a certificate given by a Registered Medical Practitioner."¹

²**74-A. Notification of accident.-** (1) When there occurs in any plantation, and accident which causes any bodily injury to a worker by reason of which the worker injured is prevented from working for a period of 48 hours or more immediately following the accident, the employer thereof shall send notice of occurrence of the accident by post as soon as practicable, but in any case not later than 72 hours of the occurrence of the accident to the Chief Inspector of Plantations in Form No. 18.

(2) If the accident results in the death of the worker, the employer shall send notice of the occurrence of the accident forthwith by telephone, telegram or special messenger.

74-B. Register of accidents.- The employer shall maintain a Register of all accidents which occur in the plantation in Form.19.]

COMMENTS

Chapter VI deals with "Sickness and Maternity Benefit" whereunder Rule 74 prescribes procedure for payment of sickness allowance whereas Rules 74A and 74B define to notification of accident and register of accidents respectively.

1. Added sub-rule "(5)" in Rule "74" Vide Notification No. GLR. 146/75, dated the 17th July, 1975, (w.e.f. 17.7.1975).

2. Inserted as new Rules "74A" and "74B" Vide Notification No. GLR. (RC) 6/82/148 dated the 21st December, 1984 (w.e.f. 21.12.1984).

CHAPTER VII

Miscellaneous

Rule prescribed under sub-section 2(e) of Section 43

¹[**75. Appeals.**- (1) An appeal against the orders of an Inspector shall lie to the Chief Inspector and against the orders of the Chief Inspector to State Government or to such authority as the State Government may appoint in this behalf. The appellate authority after giving both parties an opportunity of being heard shall either reject the application or decide in any manner deems fit.

(2) All appeals under sub-rule (1) shall be in the form of a memorandum setting forth concisely the grounds of objections to the order and shall be accompanied by a certified copy of the order appealed against, duly signed by the appellant or, on his behalf, by a duly authorised agent or legal practitioner. An appeal shall be considered valid only if submitted within two months from the date order appealed against.

(3) On receipt of the memorandum of appeal the appellate authority shall, if it thinks fit appoint an assessor within two weeks to assist in the disposal of the appeal. It shall then fix a date for the hearing of the appeal and shall give due notice or such date to the appellant and to the Inspector or Chief Inspector, as the case may be, whose order is appeal against.

Rules prescribed under sub-section (2)(j) of Section 43

[**76] Registers.**- (1) Every employer shall maintain—

- (a) registers of adult or non-adult workers in ["Form Nos. 8 and 9] respectively, and
- (b) a register in [Form No.10] hereinafter called the Leave with Wages Register which shall be preserved for a period of three years after the last entry in it :

Provided that if the Inspector or the Chief Inspector is of the opinion that any muster roll or register maintained by the employer gives the required particulars in respect of any or all workers in the plantation, he may by order in writing, direct that such muster roll or register shall, to the corresponding extent, be maintained in the place of and be treated as the register required under this sub-rule in respect of that plantation.

1. Deleted the Rules "75 to 83" and the existing Rules "84" , "85" and "86" re-numbered as present Rules "75", "76" and "77" vide Notification No.146/75, dated the 17th July, 1975 (w.e.f. 17.7.1975).

(2)(a) Every employer shall provide a plantation worker a book in ["Form No.11"]² (hereinafter called the Leave Book). The Leave Book shall be the property of the worker and the employer or his agent shall not demand it except to make necessary entries, and shall not kept in for more than a week at a time;

(b) If a worker loses his Leave Book, the employer shall provide him with another copy on the payment ["five paisa"];²

(3) Every employer shall maintain a bound Inspection Book and shall produce it when required by the Inspector of Certifying Surgeon.

[**77. Return.**- (1) Every employer shall furnish to the Inspector and the Chief Inspector on or before the 31st January of every annual return in duplicate in [Form No.12".]²

["**Deleted**"]²

["2"] Every employer shall furnish to the Inspector and the Chief Inspector by the 31st January and 31st July every year a half yearly progress report in duplicate in regard to the provision of medical facilities in ["Form No.13"].²

2. Substituted in clause (a) of sub-rule (1) of Rule 76 as re-numbered for Form Nos. "12" and "13" by Form Nos. "8" and "9" and in clause (b) of sub-rule (1) of Rule 76 as re-numbered for Form No. "14" Form No."10" were *substituted* and in clause (a) of sub-rule (2) of Rule 76 as re-numbered for Form No. "15" Form "11" were *substituted* and in clause (b) of sub-rule (2) of Rule 76 as re-numbered for the words "an anna" to "five paisa" were *substituted* and in sub-rule (1) of Rule 77 as re-numbered for Form No."16" Form No. "12" were *substituted* and sub--rule (2) of Rule "77" as re-numbered were *deleted* and sub-rule (3) of the rule re-numbered as sub-rule (2) and Form No."22" therein the Form "13" were *substituted* by *Ibid*.

Note- (1) Before *deletion* sub-rule (2) of Rule 77 as re-numbered originally read as follows—
"(2) Every employer shall furnish to the Inspector and the Chief Inspector not later than the 15th February of the year subsequent to that to which it relates return in Form Nos. 17, 18, 19, 20 and 21."

Note-(2) Before *deletion* Rules "75 to 83" originally read as follows—

"75. Payment of Maternity Allowance- (1) Subject to the provisions of these rules but without prejudice to her right, if any, to free medical facilities existing in a plantation, every woman employed in a plantation shall be entitled to obtain from her employer a maternity allowance for a period of four weeks immediately preceding the expected day of her delivery and for a period of eight weeks immediately following the day of her delivery:

Provided that a woman shall not be entitled to obtain such maternity allowance unless she has worked in the plantation or plantations of the employer from whom she claims such allowance for not less than one hundred and fifty days in the twelve months immediately preceding the expected day of her delivery :

Provided further that the period of 150 days may either be continuous or interrupted by a period or periods of absence on account of authorised leave.

(2) A woman shall not be entitled to obtain maternity allowance if she has not—
(a) permitted herself to be medically examined for the purpose of certifying pregnancy or expected confinement by a Certifying Surgeon or a qualified

resident medical officer with the assistance of nurse, if the Surgeon/ Medical officer is male or a qualified lady medical practitioner; or

- (b) during the period which extends from the commencement of the four weeks immediately preceding the expected day of her delivery to the day of her delivery and during the period of eight weeks immediately following the day of her delivery attended, or permitted herself to be treated in a hospital by a qualified medical practitioner or under the supervision of such medical practitioner by a nurses :

Provided that non-compliance by the woman with the provisions of this sub-rule shall not disentitle her to maternity allowance if a certifying surgeon or any other qualified medical practitioner certifies that in his opinion such non-compliance was due to premature delivery or to a **bonafide** miscalculation on the part of the woman as to the state of advancement of her pregnancy.

76. Prohibition of employment of woman during certain period.- (1) No employer shall knowingly employ a woman in a plantation during the four weeks immediately preceding the expected day of her delivery and during the eight weeks immediately following the day of her delivery.

(2) In case of miscarriage a woman shall, on production of a certificate signed by the Certifying Surgeon or any other qualified medical practitioner or such other proof of miscarriage as may be accepted by her employer, be entitled to two weeks leave from the day of her miscarriage with pay as under the rules.

(3) During the period of pregnancy a woman shall not employed on work which is arduous or which requires long hours of standing at one place or may in any interfere with her pregnancy and is likely to cause miscarriage or adversely affect her health and interfere with normal developments of foetus.

77. Procedure regarding payment of maternity allowance.- (1)(a) A woman who claims or intends to claim maternity allowance shall on any day give notice in Form No.8 to the employer that she expects to be confined within one month next following.

(b) Where no such notice has been given and the woman has been delivered of a child, she shall within seven days of the delivery give notice in Form No.9 that she has given birth to a child :

Provided that non-compliance of the procedure laid down in the sub-rule shall not disentitle a woman to maternity allowance if she is found to be illiterate.

(2) When such notice as is referred to in clause (a) or clause (b) or sub-rule (1) is received the employer shall permit the woman to absent herself from work in the plantation on and from the day following that on which such notice is received until the expiration of eight weeks after the day of her delivery.

78. Payment of maternity allowance.- (1) Where a woman entitled to obtain maternity allowance has given notice referred to in clause (a) of sub-rule (1) of Rule 77 and has obtained permission to absent herself from work the employer shall pay maternity allowance for twelve weeks at the rate of 11/6 per day plus the conversion allowance as notified by Government from time to time in twelve equal weekly instalments and the payment of the instalment shall be made within three days of the receipt of the notice :

Provided that an employer before making any payment may require the woman to whom such payment is to be made to produce a certificate in Form No.10 given by a Certifying Surgeon or a qualified resident medical officer or any other qualified medical practitioner as to the expected day of the delivery.

(2) Where a woman entitled to maternity allowance has given notice referred to clause (a) of sub-rule (1) of Rule 77, the employer shall pay her maternity allowance weekly for eight weeks at the rate of 11/6 per day and plus the conversion allowance as notified by Government from time to time and the payment of the first instalment shall be made within three days of the receipt of the notice :

Provided that an employer before making any payment may require the woman to whom such payment is to be made to produce a certified extract from a birth register or a certificate signed or counter-signed by a Certifying Surgeon or qualified resident medical officer or any other qualified medical practitioner.

79. Payment of maternity allowance in case of a woman's death.- (1) If a woman entitled to obtain maternity allowance dies before being delivered of a child, the employer shall be liable only for the payment of maternity allowance due in respect of the four weeks immediately preceding the expected day of her delivery.

(2) If a woman entitled to maternity allowance dies on that day of her delivery or during the period of eight weeks immediately following that day, the liability of the employer shall not by reason of her death be discharged and he shall pay the amount of the maternity allowance, if the newly born child survives her, to person who undertakes the care of the child.

(3) The fact that a woman is and shall be proved by the production either of a certificate to that effect from a certifying surgeon or any other qualified medical practitioner or of a certified copy of an extract from a death register maintained under the provisions of any law.

80. Prohibition of dismissal during or on account of absence from work owing to confinement.- (1) When a woman absents herself from work in accordance with the provisions of these Rules it shall not be lawful for her employer to give her notice of dismissal during such absence or on such a day that the notice will expire during such absence.

(2) The dismissal of a woman at any time within six months before she delivered of a child, if the woman but for such dismissal would have been entitled to obtain maternity allowance under these rules, shall not have the effect of depriving her of the maternity allowance if the Chief Inspector is satisfied that her dismissal was without cause.

(3) If the confinement involves illness incapacitating a woman for work, the employer shall not be entitled to dismiss her or give her notice of dismissal if she fails to return to duty on the expiry of eight weeks after the date of delivery without getting the approval of a Certifying Surgeon who may increase the period of absence if he considers fit.

81. Muster Roll.- (1) Every employer in a plantation in which woman are employed shall prepare and maintain a muster-roll in Form No.11 and shall enter all particulars specified in the Form in respect of all women employed in the plantation from whom notice of confinement is received :

Provided that where a register is maintain under the Assam Maternity Benefit Act, 1944, which covers all the provisions of Form No.11, that register may be deemed sufficient for the purpose of this sub-rule.

(2) All entries in the Muster-roll shall be made in ink and maintained and it shall be made available for inspection at any time during the working hours.

82. Every employer shall supply to a woman at her request free of cost copies of Form Nos. 8 and 9.

83. Records relating to payment of maternity benefit under these rules shall be preserved for two years from the date of preparation.

FORM No. 1

[Prescribed under sub-rule (2) of Rule 5]

CERTIFICATE OF FITNESS

1. Serial No. _____ Serial No. _____
Date _____ Date _____
2. Name _____ I certify that I have personally examined (name) _____
3. Father's name _____
son/daughter of _____
4. Sex _____ residing at _____
5. Residence _____
6. Age certified _____ and that his/her age, as nearly as can be ascertained from my examination.
7. Physical fitness _____ is _____ years and that he/she is fit for employment in plantation as an adolescent child
8. Descriptive marks _____ His/her descriptive marks are _____
9. Reasons for—
(i) refusal of certificate
(ii) certificate being revoked
- Thumb- _____ Thumb- _____
Impression _____ Impression _____
Initial of Certifying Surgeon _____ Certifying Surgeon _____

Note- Exact details of cause of physical disability should be clearly stated.

FORM No. 2

[Prescribed under sub-rule (3) of Rule 5]

REGISTER SHOWING THE FEES PAID TO THE CERTIFYING SURGEON FOR THE ISSUE OF DUPLICATE CERTIFICATES

Date	Serial No.	Number and date of previous certificate	Name of person to whom granted	Father's name	Initial of the Certifying Surgeon
1	2	3	4	5	6

Paid into Treasury at _____ on (date) _____

Signature of the Certifying Surgeon

FORM No. 3

[Prescribed under sub-rule (5) of Rule 5]

CERTIFYING SURGEON'S VISIT NOTE

Visit to (plantation) _____ on date _____ 197.....

Name of the Certifying Surgeon**EXAMINATION AND CERTIFICATES**

- (A) Children-
1. Original examination _____ Number examined _____ Number granted Certificates _____
 2. Re-examination of those holding certificate _____ Number examined _____ Number of certificates cancelled _____ Reason for cancellation in each case (*i.e.* general nature of unfitness) _____.
- (B) Adolescents-
1. Original examination _____ Number examined _____ Number granted certificates _____
 2. Re-examination of those holding certificates _____ Number examined _____ Number of certificates cancelled _____ Reason for cancellation in each case (*i.e.*, general nature of unfitness) _____

Signed _____

Certifying Surgeon.

N. B. - Name of young persons who have been granted certificates and of those whose certificates have been cancelled shall be given in an Appendix to this Form.

FORM No. 4

(Prescribed under Rule 62)

**Yearly Progress Report for the period
form 1st July 19... to 30th June 19...**

- (i) Name of Plantation
- (ii) Name of District
- (iii) Name and address of the employer
- (iv) Total resident labour population including dependants in the plantation
- (v) Number of resident workers' requiring houses [*Vide* rule 62]
- (vi) Number of houses required to be provided according to the approved scheme every year [8 percent of (v) above]
- (vii) Number of houses provided according to the approved scheme by—
- (i) Construction of new houses;
- (ii) adaptation of old houses;
- (viii) Reasons for not providing the number of houses as required in tem (vi).

FORM No. 5

(Prescribed under sub-rule (3) of Rule 63)

Record of Lime-washing, Painting, etc.

Description of houses	Parts lime-washed painted, Varnished or oiled, <i>e.g.</i> , walls, ceilings, wood works, etc.,	Treatment whether lime-washed painted, varnished or oiled	Date on which lime-washing painting, varnishing or oiling was carried out according to the (English Calender)			Remarks
			Date	Months	Year	
(1)	(2)	(3)	(4)		(5)	

Signature of Employer

FORM No. 6

[Prescribed under Rule 73]

NOTICE OF PERIOD OF WORK

Name of Plantation Place District

Periods of works	Adults		Adolescents		Children			Description of Groups		Remarks
	Male	Female	Male	Female				Group letter	Nature of work	
	A B C	D E F	G H	I J	K	L	M			
From	A
To	B
From	C
To	D
From	E
To	F
From	G
To	H
From	I
To	J
From	K
To	L
From	M
To	

Date on which the notice is first exhibited.....

(Signed)
Employer**Instructions to be followed in filling in the notice of period of work**

- (1) Divide all workers into groups according to the nature and periods of their work and classify "Groups" as A,B,C,D, etc.
- (2) If workers in a particular group do not work during the same periods on all working days of the week, the periods should be shown separately for different days or sets of days during the week.

FORM No. 7

[Prescribed under sub-rule (3) of Rule 74]

CERTIFICATE OF SICKNESS

This is to certify that I have examined ----- son/daughter/
 wife of ----- employed in ----- plantation
 at ----- in the district of ----- on -----
 and found him/her suffering from -----, I recommended
 ----- days ----- absence from work and payment
 of the corresponding sickness allowance.

Signature, qualification and designation
of Medical Practitioner.

FORM No. 8*

[Prescribed under sub-rule (1) of Rule 76]

Register of Adult workers

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Serial No.	Name age and address	Father's/Husband's name	Date of appointment	Nature of work	Date of joining provident fund	Date and reasons for cessation of work	Passport size photograph

* **Note.**- This Form original numbered as Form No. 12 and now re-numbered and substituted as Form No. 8 Vide Notification No.GLR.146/75, dated the 17th July 1975.

FORM No. 9*

[Prescribed under sub-rule (1) of Rule 76]

Register of Non-Adult workers

(1)	Serial No.
(2)	Name and address
(3)	Father's name
(4)	Date of first employment
(5)	No. of Certifying Surgeon's Certificate with date.
(6)	Age as entered in the certificate.
(7)	Token No./reference to certificate, if any.
(8)	Nature of work
(9)	The date in which he or she became adult
(10)	The page and entry number in the Adult Register to which transferred.
(11)	Passport size photograph

* **Note.**- This Form original numbered as Form No.12 and now re-numbered and substituted as Form No. 8 *Vide* Notification No.GLR.146/75, dated the 17th July 1975.

FORM No. 10*

[Prescribed under sub-rule (1) of Rule 85]

Register of leave with wages**Part - I - Adults****Part - II - Non Adults****Plantation**

Serial No.

Name of worker

Serial No. in the Register of adult/non-adult workers

Father's/Husband's name

Date of entry into service

Address

Number of days worked			Leave earned	Leave at credit (including balances if any, on return from leave on last occasion)	Leave taken			Balance on return from Leave	Date on which wages for leave paid and amount paid	Remarks
From	To	Total days worked			From	To	Numbers of days			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

Note - The Leave Book shall be made out separately for each worked on thick bound sheets.

* **Note.**- This Form original numbered as Form No.14 and now re-numbered as Form No.10 *Vide* Notification No.GLR.146/75, dated the 17th July 1975.

FORM No. 11*
[Prescribed under sub-rule (2) of Rule 85]

Leave Book

Part - I - Adults

Part - II - Non Adults

Plantation

Serial No. Name of worker

Serial No. in the Register of adult/non-adult workers Father's/Husband's name

Date of entry into service Address

Number of days worked	From	Total days worked	Leave at credit (including balances if any, on return from leave on last occasion	Leave taken		Balance on return from Leave	Date on which wages for leave paid and amount paid	Remarks	
	To			From	To				Numbers of days
(1)	(2)	(3)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

Note - The Leave Book shall be made out seperately for each worker on thick bound sheets.

* **Note.**- This Form original numbered as Form No.15 and now re-numbered as Form No.11 Vide Notification No.GLR.146/75, dated the 17th July 1975.

FORM No. 12

(Prescribed under sub-rule (1) of Rule 77]

**ANNUAL RETURN FOR THE YEAR ENDING THE
31ST DECEMBER, 19.....**

(To be furnished to the local Inspector and the Chief Inspector by the
31st January, at the latest)

1. Name and address of the Plantation
2. Name (s), address (es) of the Out-garden
3. If owned by a company, name and address of the company including that of the Managing Agents and if a proprietary concern, name and address of the proprietor.
4. Name and address of employer (whether called a Managing Agent, Manager), Superintendent or by any other name.
5. Total registered hectarage
6. Area under cultivation
 - (a) Main garden
 - (b) Out-garden(s)
 - (c) Total
7. Crop made (in kilograms) during the last two years and in the year under report (to be shown separately).

EMPLOYMENT

8. (I) Daily on books (maximum on any day during the year)

A. MAIN GARDEN

LABOUR

	Adults			Adolescents			Children			Artisans	Clerical, medical & supervisory staff
	F	M	Total	F	M	Total	F	M	Total		
1	2	3	4	5	6	7	8	9	10	11	12

Resident

Permanent

Temporary

Non-Resident

Permanent

Total

B. OUT GARDEN(s)
LABOUR

Adults				Adolescents			Children			Artisans	Clerical, medical & supervisory staff
F	M	Total	F	M	Total	F	M	Total			
1	2	3	4	5	6	7	8	9	10	11	12

Resident
 Permanent
 Temporary
 Non-Resident
 Permanent
 Total

AVERAGE DAILY ATTENDANCE

A. MAIN GARDEN
LABOUR

Adults				Adolescents			Children			Artisans	Clerical, medical & supervisory staff
F	M	Total	F	M	Total	F	M	Total			
1	2	3	4	5	6	7	8	9	10	11	12

Resident
 Permanent
 Temporary
 Non-Resident
 Permanent
 Total

A. OUT GARDEN
LABOUR

Adults				Adolescents			Children			Artisans	Clerical, medical & supervisory staff
F	M	Total	F	M	Total	F	M	Total			
1	2	3	4	5	6	7	8	9	10	11	12

Resident
 Permanent
 Temporary
 Non-Resident
 Permanent
 Total

9. (a) Total resident population :

(b) Total number of persons covered by the term 'Family' of—

(i) Resident workers :—

(ii) Non-Resident workers :—

Family when used in relation to a worker means :— (a) his or her spouse, (b) the legitimate and adopted children of the worker dependent upon him or her, who have not completed their eighteenth year and (c) includes where the worker is a male his parents dependent upon him.

HOUSING

1. Total number of families of workers resident on the estate:—

(a) Labour -

(b) Artisans -

(c) Clerical and medical staff as covered under the Act.

2. Total number of houses actually required to accommodate the above families (at the rate of one house to the husband, his wife and non adult children; and one house to two single workers):—

(a) Labour -

(b) Artisans -

(c) Clerical and medical staff as covered under the Act.

3. Total number of families of workers non-resident on the garden :-

(a) Labours -

(b) Artisans -

(c) Clerical and medical staff as covered under Act.-

4. Total number of house of approved standard existing on the first day of the year under report:—

According to older Specifications

According to latest Specification

Categories of workers	Pucca	Semi-pucca	Total	Pucca	Semi-pucca	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)

(1) For Labour

(2) For Artisans

(3) For clerical, medical and supervisory staff covered under the Act.

5. Total number of houses built as per the latest specification during the year under report:—

Categories of workers	Pucca	Semi-pucca	Total
(1)	(2)	(3)	(4)

- (1) For Labour
 (2) For Artisans
 (3) For Clerical, medical and supervisory staff covered under the Act.
6. Reasons for not providing houses of the approved standard for 8 per cent workers per annum as prescribed under the Rules:—

WATER POINTS

Number of water points provided in the residential areas

Categories of workers	Taps	Tube-wells	Ringwells fitted with pump	Total
[1]	[2]	[3]	[4]	[5]

- (1) Labour
 (2) Artisans
 (3) Clerical, medical and supervisory staff as covered by the Act

LATRINES

Number of latrines provided in the residential areas

Categories of workers	Boreholes	Septic tank type as approved by the Chabua Health Centre for rural population	Total
[1]	[2]	[3]	[4]

- (1) Labour
 (2) Artisans
 (3) Clerical, medical and supervisory staff as covered the Act

LEAVE WITH WAGES

Categories of worker	Number of persons granted leave during the year	Total days leave granted	Number of workers to whom leave allowed amounted to 30 days	Total number allowed an leave wages.
[1]	[2]	[3]	[4]	[5]

- (1) Labour
 (2) Artisans
 (3) Clerical, medical and supervisory staff as covered the Act

SICKNESS BENEFIT

Categories of worker	Number of persons granted sickness benefit	Total amount paid as sickness benefit	Number of claims for sickness benefit rejected and reasons thereof	Number of person to whom accumulated sickness benefit was granted under Rule 74(5)
[1]	[2]	[3]	[4]	[5]

- (1) Labour
 (2) Artisans
 (3) Clerical, medical and supervisory staff as covered the Act

MEDICAL FACILITIES

A. Garden Hospital

Nature of medical facilities	Main garden	Out-garden
[1]	[2]	[3]

- Number of Hospitals
- Numbers of beds
- Number of dispensaries
- Number of detention beds
- Number of qualified medical practitioners.
- Number of visiting doctors, if any
- Number of pharmacists
- Number of nurses (qualified)
- Number of midwives (qualified)
- Number of nurses-cum-midwives (qualified)
- Number of nursing attendants (Trained)
- Number of Health Assistants
- Number of patients given outdoor treatment during the year under report
- Number of patients given indoor treatment during the year under report.

Nature of medical facilities	Main garden	Out-garden(s)
[1]	[2]	[3]

B. GROUP HOSPITAL

1. Number of patients recommended by the Garden hospital doctors for treatment at the Group Hospital during the year under report.
2. Number of patients actually referred to and treated at the Group Hospital during the year under report.
3. Reasons for not referring cases to Group Hospital against the recommendation of the garden doctor if any, with number and details of all such cases.
4. Names of the Group Hospitals where patients were referred to and treated.

CRECHE

Facilities Provided	Main garden	Out-garden
[1]	[2]	[3]

1. Number of creches for children below two years.
2. Number of creches for children above two years of age.
3. Average daily attendance of children at each creche for children below two years of age.
4. Average daily attendance of children at each creche for children below two years of age.
5. Number of hammocks made available at the creches for the use of the children on each day.
6. Number of cot's made available at the creches for the use of the children on each day.
7. Number of benches made available at the creches for the use of the children on each day.

8. Number and type of toys and other playthings made available for the use of the children lodged in the creches for children below two years of age on each day.
9. Number and type of toys and other playthings made available for the use of the children lodged in the creches for children above two years of age on each day.
10. Number of towels made available for use at the creches.
11. Number and type of clean clothes provided for each creches staff for use while on duty.
12. Number and type of clean clothes provided for children below three years of age for use while in creches.
13. Quantity of milk supplied for each child below two years of age on each day.
14. Quantity and type of wholesome refreshment supplied for each child below two years of age on each day.
15. Quantity and type of solid food supplied for each child above two years of age on each day.
16. Number of qualified Crech-in-charges engaged.
17. Number of Ayah's engaged.
18. Number of sweepers engaged.

EDUCATIONAL FACILITIES

Whether school(s) has/have been taken over by the Government—

- (a) If so, the date(s) of take over
- (b) If not, please state,—
 1. Number of children between the age of 6 and 12 in the plantation
 2. Number of schools maintained
 3. Number of pupils on the roll
 4. Number of teachers maintained
 5. Reasons for non-maintenance of schools, if there are none

RECREATION FACILITIES

Facilities Provided [1]	Main garden [2]	Out-garden[s] [3]
1. Number of recreation centres		
2. Type of indoor games provided in each of the centres		
3. Number of play grounds		
4. Type of outdoor games made available		
5. Number of radio sets provided		
6. Other facilities, if any		

CANTEENS

Facilities Provided [1]	Main garden [2]	Out-garden's [3]
1. Number of Canteens provided		
2. Whether food-stuffs provided at the work place		
3. Whether Canteen Management Committee formed and is functioning ?		
4. How many times did the committee meet during the year under report ?		
5. Type of food made available		
6. Total sale-proceeds during the year under report.		
7. Number of workers pertaining each canteen daily on the average		

PROTECTION FROM WEATHER

1. Number of umbrellas provided
2. Number of rain coats provided
3. Number of blankets provided
4. Number of jerseys provided
5. Number of pairs of chappals provided.

Certified that the information furnished above are true, to the best of my knowledge and belief, correct.

Date : _____ Manager/Employer.

Copy to—

1. The Chief Inspector of Plantations, Assam.
2. Deputy Chief Inspector of Plantations of the area concerned.

Manager/Employer.

NOTE

This "Form" not print in the *Assam Gazette*, we received from concerned Department.

FORM NO. 13

(Prescribed under sub-rule (2) of Rule 77)

**PROGRESS REPORT
IN REGARD TO THE PROVISION OF MEDICAL FACILITIES**

RETURN FOR PERIOD ENDING

THE 30th JUNE 19..... or 31st DECEMBER 19.....

(To be furnished to the Inspector and the Chief Inspector
by the 31st July/31st January)

1. Name of Plantation
2. Total population
3. Average number of workers employed daily
4. Garden hospital/dispensary

Figures per 700 workers

Nature of medical	Facilities prescribed in the rules	Facilities available	Deviation +(plus)-(minus)
Hospital beds			
Doctors			
Midwives			
Nurses			
Compounders			
Anti-malaria Assistants			

5. Number if first-aid boxes on cup-boards maintained, if any.
6. Steps taken or proposed to be taken, if any, to bring the medical facilities available in the plantation at per with those prescribed in rules, State with special reference to the various stages of he approved scheme for provision of medical facilities.

Number of patients recommended for treatment at the group hospital and arrangements made for their treatment if no group hospital has been established.

Signature of the employers.

NOTE

"Form No. 13 to 19" were inserted *vide* Notification No. GLR. (RC)6/82/148, dated the 21st December, 1984 and it shall come into force at once.

FORM NO. 13

(See Rule 2-A)

**APPLICATION FOR REGISTRATION AND GRANT OF
CERTIFICATE OF REGISTRATION**

1. Name of the Plantation
2. Full address to which communication relating to the plantation should be sent.
3. Total grant of the plantation in hectares.
4. Maximum number of workers (Permanent, temporary, casual, taken together) employed on any day during the preceding calendar year.
5. Full name(s) and residential address(es) of the Proprietor's and Partner's of the plantation in case it is not registered under the Companies Act, 1956.
6. Full name and residential address(es) of the Directors in the case of a Company registered under the Companies Act, 1956.
7. Full name and address(es) of the Chief Executives or General Manager of the Plantation in the Public Sector:-
8. Amount of fee of Rs. (Rs.) paid in Treasury on vide Challan No. date which is enclosed.

Date

Signature of the Applicant

Full Name

Designation

Full address

Note:- This form should be completed in ink in block letters or typed.

FORM NO. 14

(See Rule 2-B)

Certificate of Registration to Run a Plantation

Serial No.....

Registration

Fees Received

Certificate of Registration is hereby granted to to run the Plantation subject to the provisions of the Plantations Labour Act, 1951 and the Rules made thereunder.

The (Date)

CHIEF INSPECTOR

FORM NO. 15

(See Rule 2-H)

**Notice of change in the Particulars Furnished in the
Application for Registration and Grant of
Certificate of Registration**

1. Name of the Plantation
2. Full address of the Plantation
3. Registration Certificate No. Date

To

The Chief Inspector of Plantation, Assam.

Sir,

Notice is hereby given that the following changes have taken place with effect from in respect of the particulars of information relating to my plantation furnished in the application made under Rule 2-A in Form No.13 which please.

Note:- The Certificate of Registration is enclosed for amendment.

Date

.....

Signature of the Applicant

Full Name

Designation

Full address

Note :- This form should be completed in ink in block letters or typed.

FORM NO. 16

(See Rule 21)

Registration of Plantation

Serial No.	Registration No. and date	Fee paid	Name of the Plantation	Full address to which Communication relating to the plantation should be sent
1	2	3	4	5
Total grant of the plantation in hectares	Maximum number of workers (permanent, temporary, casual taken together) employed on any day during the preceding calender years.	Full name and residential address of the Proprietor and Partners of the Plantation in case it is not registered under the Companies Act, 1956.		
6	7	8		
Full name and Residential address of the Directors in the case of a Company registered under the Companies Act, 1956.	Full name and address of the Chief Executive or General Manager of the Plantations in the Public Sectors.	Full name, designation and Full addresses of the applicant for Registration.		
9	10	11		

FORM NO. 17

(See Rule 70-B)

Application for Compensation

To,

The Commissioner for Compensation appointed under Section 16-B of the Plantations Labour Act, 1951.

Shri residing at
 Applicant.

Versus

Shri residing at
Opposite Party.

(1) It is hereby submitted that the applicant/worker named late employed by the opposite party and the following member/members of his family received injury/died as a result of the collapse of a house provided under Section 15 of the Plantations Labour Act, 1951 and that the collapse is not solely and directly attributable to a fault on the part of any occupant of the house or to a natural calamity.

The accident took place on

(2) The details of the injury sustained by the applicant the workers who had died and/or the members of the family are furnished below:-

(3) The monthly wages of the applicant/worker who had died amount to Rs.

(4) The age/ages of the applicant/workers who had died and/or the family members are as under:-

(i)

(ii)

(iii)

(iv)

(v)

(5) Relationship of the applicant to the worker who died due to collapse of the house, in case of death of the worker.

You are, therefore, requested to determine the amount of compensation payable by employer to the applicant under Section 16-A of the Plantations Labour Act, 1951, realise the amount as determined from the employer and pay it to the Applicant.

Date

.....
Signature of the applicant.

**THE
ASSAM PLANTATIONS LABOUR (AMENDMENT) RULES, 2006
(DRAFT)¹**

NOTIFICATION

[The 26th May, 2006]

No. GLR(RC)31/2005/5.- The following draft rules further to amend Assam Plantations Labour Rules, 1956, hereinafter referred to as the principal Rules, which the Governor of Assam proposes to make in exercise of the powers conferred by sub-section (1) of Section 43 of the Plantations Labour Act, 1951 (*Central Act No.69 of 1951*) are hereby published as required by the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft Rules will be taken into consideration after expiry of a period of not less than six weeks from the date of publication of this notification in the *Official Gazette*.

Any objection or suggestion which may be received from any person with respect to the said draft rules within the period as specified above, will be considered by the Governor of Assam.

1. Short title, extent & commencement- (1) These rules may be called the Assam Plantations (Amendment) Rules, 2006.

(2) They shall have the like extent as the principal Rules.

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

2. Amendment of Rule 36- In the principal Rules, in rule 36, in sub-rule (7), in clause (a), between the words and figures "15 beds" and "shall be provided", the words "with mosquito nets" shall be inserted.

3. Amendment of Rule 71- In the principal Rules, in Rule 71, in between the words "for every two years" and "of the type and standard", the following shall be inserted, namely :- "and (e) one mosquito net for every two years".

B. B. HAGJER,

Commissioner & Secretary to the Govt. of Assam,
Labour and Employment Department.

1. Published in the Assam Gazette Extraordinary No.115 dated 29th May, 2006.

**THE
ASSAM PLANTATIONS LABOUR (AMENDMENT) RULES, 2001
(DRAFT)¹**

NOTIFICATION

[The 9th January, 2002]

No. GLR (RC) 87/90/170.- The following draft Rules further to amend the Assam Plantations Labour Rules, 1956 as amended upto 1983, *vide* Assam Tea Plantation Labour (Amendment) Rules, 1983, which the Governor of Assam proposes to make in exercise of the powers conferred by Section 43 of the Plantations Labour Act, 1951 (*Central Act, 69 of 1951*) are hereby published as required under sub-section (1) of Section 43 of the said Act, for information of all persons likely to be effected thereby and notice is hereby given that the said draft rules will be taken into consideration after expiry of not less than six weeks from the date of publication of this notification in the *Official Gazette*.

Any objection or suggestion which may be received from any person with respect to the said draft rules before expiry of the period specified above will be considered by the Governor.

1. Short title & commencement- (i) These rules may be called the Assam Plantations (Amendment) Rules, 2001.

(ii) They shall apply to whole of the State of Assam.

(iii) They shall come into force on the date of their publication in the *Official Gazette*.

2. Insertion of new Rules under Rule 2A- In the principal Rules, below Rule 2A, the following new Rules shall be inserted, namely :-

"2A-A. Renewal of Certificate of Registration- Every certificate of Registration granted under Rule 2-A or renewal under Rule 2A-B shall remain in force for a period of one calendar year from the date of which the certificate is granted or renewal.

"2A-B. Every employer shall apply to the registering officer for renewal of the certificate of Registration before expiry of 30 days of its validity in Form No.13. The application for renewal shall be accompanied by the current certificate of registration together with the original copy of the Treasury Challan depositing such fees as may be prescribed under Rule 2A-C and the Registering

1. Published in the Assam Gazette Extraordinary No.7 dated 18th January, 2003.

Officer being satisfied about the correctness of the statement so made shall grant renewal of the Registration certificate in revised Form No.14.

2A-C. Fees for Renewal of Registration Certificate- The fees for renewal of the Registration Certificate shall be the same as for the grant thereof.

3. Amendment of Rule 2B- In the principal Rules, for Rule 2B, the following shall be substituted namely:-

"2B. Grant of Certificate of Registration- A Certificate of Registration for a Plantation shall be granted by the Chief Inspector of Plantations in revised Form No. 14 of payment of fees on hactres of land used or intended to be used for the purposes of Plantation as indicated below—

- (a) Plantations from 5 hectares to 50 hectares - Rs. 500.00
- (b) Plantations above 50 hectares upto 120 hectares - Rs.1000.00
- (c) Plantations above 121 hectares upto 200 hectares- Rs.1500.00
- (d) Plantations from 201 hectares upto to 250 hectares- Rs.2250.00
- (e) Plantations above 251 hectares -Rs.3000.00

4. Amendment of Rule 2-I- In the Principal Rules in Rule 2-1, in between the words "In" and "Form", the word "revised" shall be inserted.

B. B. HAGJER,

Secy. to the Govt. of Assam,
Labour and Employment Deptt.

REVISED FORM NO.14

(See Rule 2 B)

CERTIFICATE OF REGISTRATION TO RUN

Serial No. _____ Fees Received Rs. _____
Registration No. _____ dtd. _____ (For Registration only).

Certificate of registration is hereby granted to the Manager/Partner/Proprietor of M/s _____ P. O. _____ Dist. _____, Assam to run the plantation for a period of one year from the date of issue. The validity of this Registration Certificate will expire on 31st December/20.. unless it is renewed under Rule 2B-B.

Date _____

Place _____

Registering Officer

The validity of the Registration Certificate above having expired on _____ is renewed.

Signature of the Registering officer.

1. For a period of 1 year upto 31st December/200.
2. For a period 1 year upto 31st December/200.
3. For a period of 1 year upto 31st December/200.
4. For a period of 1 Year upto 31st December/200.

FORM NO. 13-A

(See Rule 2A-B)

1. Name and address of the Plantations :-
2. Name and address of the Applicant Employer :-
3. Registration Certificate No. :-
(ORIGINAL R.C. must be accompanied :-
4. Date of expiry of the validity of the existing Certificate. :-
5. Fees for Renewal Amount T.C. No. and Date :-
6. Amount of Late fine if any :-

Date :

Place :

Signature of the Applicant Employer.

FORM No. 16
[See Rule 2-I]

Sl. No. & Date	Registration No. & Date	Fees Paid			Name of the Plantations including its location with full postal address	Full address to which communication relating to the Plantations should be sent	Total grant of the Plantations in hectares	Maximum No. of workers (Permanent/Casual/ Temporary taking together) employed on any day during the preceding calendar year.	
		For Registration	For Renewal						
		Rs.	T.C. No. & Date	Rs.	T.C. No. & Date				
1	2	3	4	5	6	7	8	9	10

Full name and residential Address of the Proprietor and Partners of the Plantation in case it is not registered under the Companies Act, 1956.	11
Full name and residential Address of the Directors in case of a registered Company, under the Companies Act.	12
Full name & Address of the Chief Executive General Manager of the Plantations	13
Full name, Designation and full Address of the Applicant for Registration	14
Registration Renewed up to	15
Signature of the Registering Officer	16

B. N. : One page be used for a single garden.

**THE
ASSAM PLANTATIONS LABOUR (AMENDMENT) RULES, 1987
(DRAFT)¹
NOTIFICATION**

[The 22nd September, 1987]

No. GLR (RC) 6/82/179- The following draft of the Assam Plantations Labour (Amendment) Rules, 1987, which the Governor of Assam proposes to make in exercise of the powers conferred by sub-section (1) of Section 43 of the Plantations Labour Act, 1951 (*Act LXIX of 1951*) for amendment of the Assam Plantations Labour Rules, 1956, hereinafter referred to as the principal Rules, is hereby published for information of persons likely to be affected thereby and the notice is hereby given that draft rules, will be taken into consideration after expiry of 42 days from the date of publication of the notification in the official *Gazette*.

The Governor of Assam will consider any objection or suggestion which may be received by the undersigned from any person with respect to the draft rules before the date so specified.

1. Short title, extent and commencement- (a) These rules may be called the Assam Plantations Labour (Amendment) Rules, 1987.

(b) They shall apply to whole of the State of Assam.

(c) They shall come into force at once.

2. Amendment of Rule 22- In the principal Rules, in Rule 22, in sub-rule (1), for clauses (i) and (ii) shall be substituted, namely-

"(i) Five persons to be nominated by the State Government of whom one shall be notified as Chairman and two shall be qualified Medical Practitioners.

(ii) Seven representatives each of the employers and workers nominated in consultation with the interest concerned, of whom two shall be qualified Medical Practitioners."

3. Amendment of Rule 46- In the principal Rules, for Rule 46 in sub-rule (i) for the words "creaches for the use of the children who are below two years of age at suitable sites at the work places to the scale of one for every 25 hacters of tea or part thereof as also stationery creaches" occurring after the words, "shall provide and maintain" the words, "one or more mobile

1. Published in the Assam Gazette Extraordinary No.118 dated 23rd September, 1987.

creaches on wheels for the use of the children who are below two years of age at the work places as also stationery creaches" shall be substituted.

4. Amendment of Rule 68- In the principal Rules for Rule 68, the following shall be substituted, namely-

"68. Constitution of the Advisory Board- The State Govt. shall, by notification in the official *Gazette*, constitute an Advisory Board for consultation in regard to matters connected with Housing which shall consists of-

- (i) five persons to be nominated by the State Govt. of whom one shall be nominated as Chairman and two shall be qualified Civil Engineers or architects;
- (ii) seven representatives each of the employers and the workers nominated in consultation with the interest concerned, of whom two shall be qualified Civil Engineers or architects."

H. K. NATH

Deputy Secretary to the Govt. of Assam,
Labour and Employment Department.
