

## CHAPTER I

### PRELIMINARY

**1. Short title, extent and commencement**—(1) These rules may be called the U. P. Plantations Labour Rules, 1957.

(2) These rules shall extend to the whole of Uttar Pradesh.

(3) These rules, except Rules 14 to 22 and 32 to 45, shall come into force at once.' Rules 14 to 22 and 32 to 45 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.

**2. Definitions.**—In these rules, unless there is anything repugnant in the subject or context :

(a) "Act" means the Plantations Labour Act, 1951.

(b) "Form" means a form appended to these rules.

(c) "Health Officer" means the Municipal Medical Officer of Health or the District Medical Officer of Health as the case may be 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, 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) All other words and expressions used herein and not defined shall have the meaning respectively assigned to them under the Act.

## CHAPTER II

### THE INSPECTION STAFF

**3. Rules prescribed under Section 5 : Powers and functions of Inspectors.**—An Inspector shall, for the purposes of giving effect to the provisions of the 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 text, as the case may be, any house, building or room, register or document maintained under the Act or anything provided for the purpose of securing the health or welfare of the workers employed in a plantation ;

(ii) to prosecute, conduct or defend before a court any complaint or 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 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 provisions of the Act and the Rules ;

(v) to note how far the defects pointed out at previous inspections have been removed and how far orders previously issued 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 order for their removal and to record and furnish to the employer a summary of the defects or irregularities and of his orders.

**4. Rules prescribed under Section 5.**—Every order passed under the Act and the Rules shall be served on the employer—(a) by delivering a copy of it to him personally or at his office, or (b) by registered post.

**5. Rules prescribed under Section 7: Duties of Certifying Surgeons.**—(1) For purposes of the examination and certification of young persons who wish 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 be numbered consecutively and shall be printed on cloth backed or other durable paper. The foil and counterfoil shall be filled 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 person examined, the Certifying Surgeon shall sign the foil and initial the counterfoil 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 may 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 of eight annas shall be charged from the person concerned which shall be credited to Government under the Head "XXXVI-A—Miscellaneous Departments—Miscellaneous other receipts". Certifying Surgeon shall maintain a register in Form No. 2 of all fees paid for the issue of duplicate certificates and shall initial 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 himself as to the fitness of all the adolescents 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 occasion) a room which shall be properly cleaned and adequately ventilated and furnished with a screen, table (with writing materials) and chairs.

**6. Rules prescribed under Section 7.**—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.

### CHAPTER III

#### HEALTH

**7. Rules prescribed under Section 8: Drinking water.**—An adequate supply of wholesome drinking water shall be made available in every plantation at work sites, at all times 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 the 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 to keep the vessels scrupulously clean.

**10. Cooling of water.**—Drinking water supplied to workers shall from May 1 to September 30, every year be cooled if not already so, on account of the climatic conditions of the place, by such effective ways as earthen vessels or ice or any other method approved by the Chief Inspector of Plantations.

**11. Cleanliness 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 free 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 sterilized periodically as required by the inspector by written order, and the date on which sterilizing 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.

**12. 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 or the Certifying Surgeon, if the former is not available, as to the fitness for human consumption of the water supplied 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 or Certifying Surgeon.

**13. Distribution of water.**—Drinking water shall be supplied at work sites at conveniently accessible points through paniwalas or by tankers, etc.

**14. Rules prescribed under Section 9 : Latrine accommodation.**—(a) Latrine accommodation shall be provided in every plantation on the scale of one latrine for every fifty acres of the area under cultivation or part thereof :

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

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

**15. White-washing and colour-washing of latrines and urinals.** — The walls, ceilings and partitions of every latrine and urinal shall be white-washed and colour-washed and the white-washing or colour-washing shall be repeated at least once in every period of four months.

**16. Latrines to conform to public health requirements.**—The latrine should conform to public health requirements and latrines other than those connected with an efficient water-borne sewage system, shall comply with the requirements of the Public Health authorities.

**17. Privacy of latrines.**—Every latrine shall be under cover and so partitioned off as to secure privacy and shall have a proper door and fastenings.

**18. Signboards to be displayed.**—Where workers of both sexes are employed, there shall be displayed outside each latrine or latrine block, a notice in Hindi and also in the language 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.

**19. 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 latrines.

**20. Urinal accommodation.**—Urinal accommodation shall be provided on the scale of one urinal for every 10 acres of the area under cultivation or part thereof. The urinals shall be conveniently situated for both males and females and shall have exclusive for either sex.

**21. 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.

**22. Construction and maintenance of drains.**—All drains carrying waste or sullage water shall be constructed in masonry or other impermeable 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 deodorized and rendered innocuous and then disposed of in a suitable manner to the satisfaction of the Health Officer.

## **MEDICAL FACILITIES**

**23. Rules prescribed under Section 10 : Types of hospitals.**—There shall be two types of hospitals in plantations, viz., Garden hospitals and Group hospitals :

(1) Garden hospitals.—will deal with out-patients, in-patients not requiring any elaborate diagnosis and treatment of infectious cases, midwifery, simply pre-natal and post-natal care, care of infants and children and periodical inspection of workers.

(2) 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.

**24. Rules prescribed under Section 10 : Garden hospitals.**—(1) Subject to the provisions of sub-rules (2) and (3) every employer shall, by July 31, 1957, either—

(a) provide a garden hospital in his plantation according to the standards 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 be approved by the Chief Inspector : Provided that in case of lien on hospital beds outside the plantation, a plantation or group of plantations may provide a dispensary with, up to five detention beds under the immediate care and supervision of a qualified medical practitioner assisted by at 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 groups of plantations shall have a lien.

(2) A plantation employing 1,-000 or more workers shall run its own garden hospital wherever possible while plantations employing less than 1,000 workers which are situated within reasonable distances from one 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) 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 tender first-aid.

(4) Notwithstanding anything contained in sub-rules (1) to (3) small and inaccessible plantations 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 up to five 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 midwife, 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 plantations 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	..	1/2,000
Lady Health Visitors 1/2,000 Midwives	..	1/2,000
Nursing attendants (male or female)	..	1/750

Compounder	..	1/2,000
Health Assistants	..	1/2,000

*Note.—Where more than one medical practitioner are appointed at least one shall be a lady doctor.*

(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 square feet 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 arrangements.

(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 departments shall be provided.

(i) General ward for males ;

(ii) General ward for females ;

(iii) Maternity ward with separate labour room ;

(iv) Family planning centre ;

(v) Infectious ward with separate sanitary arrangements ;

(vi) Out-patient 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 operations and dressing room ;

(ix) Dispensary and drug store ;

(x) General stores ;

(xi) Kitchen for cooking (fly-proofed).

(e) In every hospital, transport facilities shall be provided for carrying patients to and from Group Hospitals.

**25. Rules prescribed under Section 10: Group Hospitals.**—(1) Group hospitals shall be established by July 1, 1958.

(2) Plans for the establishment of Group Hospitals containing details as regards their location and size, area 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 of 100 beds and there shall be at least three beds per 700 workers, every bed having 80 square feet 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 plantations from providing a Group Hospital if it is satisfied that adequate alternative arrangements exist for treatment of patients intended to be treated at a Group Hospital : 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 provisions 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 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, females, maternity cases and small isolated wards for infectious diseases :

Provided that X-Ray and Physical Therapy blocks may not be provided if satisfactory arrangement are made by 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.

**26. 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.

**27. 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.

**28. Standard of medical facilities.**—(a) Out-patients' treatments.—It. shall include—

(i) detention for observation and treatment ;

(ii) preventive treatment such as vaccination and inoculation ;

(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 and medicines, including treatment at confinement as may be available at the hospital :

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

**29. Submission of scheme for the provision of medical facilities and progress reports.**—(1) Within six months of the promulgation of these rules every employer shall submit to the Central as well as the State Government a scheme for providing medical facilities according to the prescribed standards. The scheme shall show the various stages in and the date by which the required medical facilities are proposed to be provided. Medical facilities shall be provided according to the approved scheme.

(2) Every employer shall furnish to the Central as well as the State Government 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.

**30. Failure to provide and maintain medical facilities as required in these rules.**—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 District Board or other similar hospital. 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 workers ;

(b) the maintenance of sick worker in a hospital or dispensary for each day's maintenance ; and

(c) transport to and from provided to the sick worker. 31. Recovery of sum due under Rule 30.—When any sum of money is due from any employer under Rule 30, 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.

## CHAPTER IV

### WELFARE

**32. Rules prescribed under Section 11 : 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. 33. 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.

**34. Rules prescribed under sub-section (3) of Section 12 : Creches.**—(1) In every plantation wherein fifty or more women 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.

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

(3) There shall be not less than 15, square feet 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 plain of the creche building shall be in accordance with the standard plan or plans laid 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 creche shall be furnished with suitable furniture and a cradle for each child below the age of two.

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

(8) The employer shall appoint—

(i) a woman 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

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

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

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

**36. Supply of milk and refreshment.**—At least half a pint of clean pure milk if possible otherwise powdered milk approved by the Certifying Surgeon shall be made available for each child on every day it is accommodated in the creche and the mother of such child shall be allowed in the course of her daily work two intervals of sufficient time to visit the creche and feed the child. For children above two years of age there shall be provided in addition an adequate supply of wholesome refreshment.

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

(2) An adequate supply of clean clothes, soap and oil shall be made available for each child while it is in the creche.

**38. Rules prescribed under Section 13 : Recreational facilities.**—Every employer shall provide and maintain—

(i) a recreation centre or centres for workers with provision for indoor games suitable for adult and child workers;

(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 outdoor games : Provided

that subject to the provisions of Rule 39 a group of employers may with the approval of the Chief Inspector, provide and maintain joint recreation centres and playgrounds and share their expenses.

**39.** Every recreation centre to be provided and maintained under Rule 38 shall be conveniently situated as near as possible to the workers' quarters.

**40 Rules prescribed under Section 14 : Educational facilities for workers' children.**—Every employer shall, if the number of workers' 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 seats 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 subject to the provisions of sub-rule (1) of Rule 41, a group of employers may jointly provide and maintain a primary school and share its expenses.

**41. (1)** Every school to be provided and maintained under Rule 40 shall be conveniently situated and within a distance of one mile from the workers' quarters.

(2) The school building shall be constructed in accordance with the standard plan or plans which may be laid down by the state Government : Provided that where there is no standard plan or where it is proposed to deviate from a standard plan, the State Government's 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.

**42.** The employer or employers as the case may be shall provide for every primary school maintained under Rule 40 such educational and other equipment as may be considered necessary by the State Government.

**43. (1)** The employer or employers concerned shall appoint one teacher for every forty children attending the primary school.

(2) The teacher shall possess the qualifications prescribed by the State Government 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 Government may, subject to such conditions as it may specify, relax any of the qualifications.

**44.** 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 Government.

**45.** No fees shall be charged from the workers' children attending the primary school.

**46. Rules prescribed under Section 16 :** Housing accommodation for workers. —Every employer shall provide for every worker and his family residing in a plantation, housing accommodation as near as possible to the place of work. It shall be open to an employer to provide such accommodation in the course of several years provided that houses shall be built at least five per cent of the resident workers every year.

**47. 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 56. 48. Sites for housing accommodation.—

(1) The housing accommodation shall be provided on dry well-drained land which, consistent with the requirements regarding distance from the plantation, has supplies of wholesome drinking water within a reasonable distance. In malarial 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.

**49. Housing scheme.**—Within six months of the date of publication 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 the 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 96.

(2) The type design which is proposed to be adopted for the construction of houses, such design being in conformity with the standards and specification as may be approved by the State Government. under Rule 47.

(3) Plan and site-plan, in duplicate, of the buildings to be constructed or remodelled for use as workers' houses.

**50. 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 Plantations a report in Form No. 4 on July 31 every year.

**51. Maintenance of houses.**—

(1) The employer shall, at his own expense, execute such repairs to the houses as may be required from time to time and maintain the houses in fit and safe condition for occupation.

(2) A worker occupying a house may, and an Inspector appointed under the Act shall bring to the notice of the employer any defect in the condition of a house which made it dangerous to the health and safety of the workers. Where an inspector so brings 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.

**52. 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.

**53. Allotment and occupation of houses.**—(1) Houses shall be allotted on the basis of one house for a worker having a family for the use of the worker and his family:

Provided that if there are two or more workers in a family only one house shall be allotted in respect of any such family in the name of any worker in the family:

Provided further that in case of termination of services of a worker in whose name a house is allotted under the preceding proviso, the house shall be allotted in the name of any other member of his family who is a worker.

(2) The employer may allot houses to workers not having families at the rate of one house for not more than four such workers.

(3) The occupant of a house shall not make any unauthorised additions to or alterations in the house.

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

(5) The occupant shall not let the house or any portion thereof to any person. (6) 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.

(7) No cattle or goats shall be kept in the living rooms or verandahs and no windows or air spaces shall be blocked up.

(8) The employer 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.)

**54. 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 up to the period as detailed below

(i) in the case of death, transfer or termination of service, for a period not exceeding two months ;

(ii) in the case of retirement or resignation, for a period not exceeding one month:

(iii) in the case of leave, for the period of leave; and

(iv) in the case where discharge or dismissal of a worker results in an industrial dispute, for so long as the case is not finally disposed of.

(2) If the competent authority is satisfied that a worker or any member of his family refuses to vacate the house allotted to such worker after the expiry of the period specified in sub-rule (1) he may, by notice served –

(I) by post, or

(ii) by affixing a copy of it on the outer door or some other conspicuous part of such house; or

(iii) in case of failure of both of the aforesaid modes of service, in such other manner as may be deemed fit.

require such worker or a member of his family or any other person who may be in occupation of the whole or any part of the house to vacate it within one month of the date of service of such notice.

(3). In the event of the failure of the worker or a member of his family or any other person who is in occupation of the house to comply with the notice issued under sub-rule (2), the competent authority may, by order evict such worker, member or other person from, and take possession of, the house. and may, for that purpose, use such force as may be reasonably necessary:

Provided that before taking such possession, a copy of the order of eviction shall be served on the worker or a member of the family or any other person in occupation of the house.

Explanation. For the purpose of this rule, “Competent Authority” means such person or authority as may be notified by the State Government in this behalf.]

**55. Facilities for harvesting standing crops on termination of employment.**—In the case of termination of his employment, a worker shall, where possible, be given reasonable facilities to harvest the standing crops in his garden plot.

#### **ADVISORY BOARD**

**56. Constitution of Advisory Board.** - The State Government shall, by notification in the official Gazette constitute an Advisory Board for consultation in regard to matters connected with housing.

**57. Composition of Advisory Board.**—(1) The Advisory Board shall consist of

(a) the Secretary to the State Government in the Labour Department,

who shall be the Chairman of the Board ;

(b) two officials to be nominated by the State Government; and

(c) three representatives each of the employers and workers nominated in consultation with the interests concerned.

(2) The officer referred in clause (a) above may, instead of attending a meeting of the Board himself, depute an officer not below the rank of Joint Secretary in his department to attend the meeting. The officer so deputed shall have the right to take part in the proceedings of the meeting and shall also have the right to vote.

(3) 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.]

**58. Term of office of members.**—(1) A nominated member 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.

**59. 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 first class for any journey performed by him for attending a meeting of the Advisory Board.

**60. 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.

**61. 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; or
- (d) if the State Government consider it undesirable that he should continue to be a member of the Advisory Board ; or
- (e) if he is declared to be of unsound mind by a competent court.

### **PROCEDURE RELATING TO MEETINGS**

**62. Disposal of business.--** (1) Every question which the Advisory Board is requested to take into consideration, shall be considered either at its meeting or if its Chairman so desires, by circulating the necessary papers 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 a 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.

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

**64. Notice of meeting.--**(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 the list of business to be 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.

**65. Presiding at meetings.--**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.

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

Provided that if at 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 meeting, 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.

**67. 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.

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

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

**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 scrutinize 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 and 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 46 to 69, the State Government may issue such instructions as it may consider necessary to remove the difficulty.

**71. Rules prescribed under Section 17: Facilities for protection from weather.**-(1) Every employer shall provide to every worker free of cost blankets and waterproofs at such interval or intervals as the Chief Inspector may direct.

(2) The waterproofs and blankets so supplied to workers shall be the property of the employers and shall be returned to them at the time of their leaving services or shall pay the proportionate price to the employers calculated on the basis of their life fixed by the Chief Inspector.

(3) The blankets and waterproofs shall be of such type and size and made of such material or materials as may be approved by the Chief Inspector.

## CHAPTER V

### HOURS AND LIMITATION OF EMPLOYMENT

**72. Rule prescribed under Section 20: 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 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 holiday for full one day.

(2) Every worker shall be paid for work on the day of rest at the overtime rate prevailing in the area and where there is no such rate at such rate as may be fixed by the State Government in this behalf.

**73. Rule prescribed under Section 23 : Notice of period of work.**(1) The notice prescribed in Section 23 shall be in Form No. 5.

(2) It shall be written in English and in the 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 such change.

## CHAPTER VI

### SICKNESS AND MATERNITY BENEFITS

**74. Rule prescribed under Section 32: 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 fourteen days in a year at the rate of two-thirds of his daily wages or of the average daily earnings if he is employed on piece wages, subject to a maximum of Re. 1 per day in case of an adult worker and seventy-five paise per day in the case of a worker who is below 18 years in age :

Provided that the worker shall not be entitled to the allowance for an initial waiting period of two days except in the case of a 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 workers after he resumes his work 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.

(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.

**74-A. Accumulation of sick leave.**-(1) Notwithstanding anything contained in Rule 74, where in any year, a worker does not take the whole of the leave allowed to him under sub-rule (1) of that rule, he shall be entitled to add the leave not taken in that year to the leave to be allowed to him in the succeeding year:

Provided that the number of days of leave that may be carried forward to a succeeding year shall not in any case exceed thirty days.

(2) In addition to the leave to which a worker is entitled under sub-rule (1) of Rule 74 and sub-rule (1) of this rule, a worker may in the event of certified sickness, prefix or suffix to such leave the balance, if any of the annual leave with wages standing to his credit under Section 30 of the Act:

Provided that leave under this sub-rule shall be allowed only in genuine cases of serious or chronic illness or for prolonged periods of convalescence on the basis of a certificate in Form No.7:

- (i) from the Chief Medical Officer or Medical Officer of a Plantation, or
- (ii) (ii) if the worker is on leave from the Plantation, on the basis of a Certificate from any Government doctor, not below the rank of an Assistant Surgeon,
- (iii) Sickness allowance at the rate laid down in Rule 74 shall be payable for the days of leave availed of under sub-rule (1).

**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 one hundred and fifty 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 a 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 nurse : 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 bona fide 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:

Provided that if a woman works either in any plantation or elsewhere during the period referred to in this sub-rule, she shall forfeit her claim to maternity benefit to which she may be entitled.

(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 prescribed under the rules.

(3) During the period of pregnancy a woman shall not be employed on work which is arduous or which requires long hours of standing at one place or which may in any way interfere with her pregnancy and is likely to cause miscarriage or adversely affect her health and interfere with the normal development 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 and may nominate therein a person for purposes of sub-rule (2) of Rule 79.

(6) 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 subrule 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) of subrule (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 her maternity allowance for twelve weeks at the rate of rupees five and annas four per week in twelve equal weekly instalments 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 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 her delivery.

(2) Where a woman entitled to maternity allowance has given notice referred to in clause (6) of sub-rule (1) of Rule 77, the employer shall pay her maternity allowance for eight weeks at the rate of rupees five and annas four per week in eight equal weekly instalments 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 countersigned by a certifying surgeon or a 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 the day of her delivery or during the period of eight weeks immediately following that day the liability of the employers 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 the person who undertakes the care of the child and if the child does not survive her, to the person nominated by her under sub rule (1) of Rule 77 or if she has made no nomination to her next-of-kin as determined by the employer subject to the Inspector's approval.

(3) The fact that a woman is dead shall be proved by the production either of a certificate to the 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 is 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 women 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 maintained under the U. P. Maternity Benefit Act, 1938, 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.

## CHAPTER VII

### MISCELLANEOUS

**84. Rules prescribed under sub-section. 2(c) of Section 43: 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 the 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 it 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 of the 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 of such date to the appellant and to the Inspector or Chief Inspector, as the case may be, whose order is appealed against.

**85. Rules prescribed under sub-section (2)(j) of Section 43: Registers.**-(1) Every employer shall maintain

(a) registers of adult and non-adult workers in Form Nos. 12 and 13 respectively, and (6) a register in Form No. 14 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.

(2) (a) Every employer shall provide a plantation worker with a book in Form No. 15 (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 keep it for more than a week at a time.

(6) A register in Form No. 14 hereinafter called the Leave with him with another copy on the payment of an anna.

(3) Every employer shall maintain a bound Inspection Book and shall produce it when required by the Inspector or certifying surgeon.

4[(4) Every employer shall keep up-to-date the registers and other records required to be maintained by him under this rule by making entries relating to any day that day itself in such registers and records.]

**86. Returns.**--(1) Every employer shall furnish to the Inspector and the Chief Inspector on or before the 31st January of every year an annual return in duplicate in Form No. 16.

(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, returns in Form Nos. 17, 18, 19, 20 and 21.

(3) Every employer shall furnish to the Inspector and the Chief Inspector by the 31st January and 31st July every year, a half-yearly progress



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report in duplicate in regard to the provision of medical facilities in Form No. 22.