

ANDAMAN AND NICOBAR ISLANDS PLANTATION
LABOUR (AMENDMENTS) RULES, 1948

अण्डमान तथा
ANDAMAN AND



निकोबार राजपत्र
NICOBAR GAZETTE

सम्पन्न पत्र

असाधारण

EXTRAORDINARY

प्राधिकार से प्रकाशित

Published By Authority

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ANDAMAN AND NICOBAR ADMINISTRATION

NOTIFICATION

Port Blair, the 6th Sept., 1984.

No. 531/82/78-32/80-H&R. In exercise of the powers vested in him under Section 43 of the Plantation Labour Act, 1951 (Act No. 69 of 1951), read with the notification of the Govt. of India in the Ministry of Home Affairs, No. F. 2/8/61-Judl-II (1) dated the 23rd January, 1962 and with the approval of the Central Govt. the Lt. Governor (Administrator) Andaman and Nicobar Islands is pleased to make the following Rules to amend the Andaman and Nicobar Islands Plantation Labour Rules, 1966, namely:—

1. SHORT TITLE, EXTENT AND COMMENCEMENT :

- (1) These rules may be called the Andaman and Nicobar Islands Plantation Labour (Amendment) Rules, 1984
- (2) These rules shall extend to the whole of Union Territory of Andaman and Nicobar Islands.
- (3) These rules shall come into force with immediate effect.

2. AMENDMENT OF RULE 2.

In rule 2,—(a) For the existing clause (b) the following clause shall be substituted:—

- (b) Administrator means the Administrator of the Union Territory of the Andaman and Nicobar Islands appointed by the President under article 239 of the constitution with such designation as may be assigned by the President.
- (b) For the designation Chief Commissioner where ever it occurs in the Andaman and Nicobar Islands Plantation Labour Rules, 1966 (hereinafter referred to as the principal rules) the expression 'Administrator' shall be substituted.

INSERTION OF CHAPTER-I—A

After Chapter I of the principal Rules, the following chapter shall be inserted, namely:—

CHAPTER I—A

2-A REGISTRATION OF PLANTATION

- (1) An application for registration of a plantation shall be made in form No. 1A and shall be accompanied by a Bank Draft Challan under which the fee prescribed under sub-rule (2) of this Rule has been deposited.
- (2) The Employer shall pay the fee at the following rates:—

(a) For a Plantation with an area of five or less than five hectares of land:	Rs. 10/-
(b) For Plantation with an area of more than five hectares but not more than ten hectares of land:	Rs. 25/-
(c) For other Plantations	Rs. 50/-
- (3) The Registering Officer shall maintain a register of Plantations in Form 1B, and shall enter in it particulars of every Plantation with a separate page.
- (4) The Registering Officer shall issue to the employer a certificate of registration in Form 1C.
- (5) Intimation regarding the change that may occur in the ownership or Management or in the extent of the area or other particulars in respect of a plantation shall be furnished to the Registering Officer within 30 days of such change in Form 1'D'.
- (6) Before passing an order under sub-section (6) of Section 3-B, the Registering Officer may hold such inquiry as he may consider necessary;

- Price : Rupee One and Twenty Five Paise Only.

Provided that the Registering Officer shall give to the employer an opportunity of being heard before rejecting a request for cancellation of registration of Plantation or for rejecting any other request contained in the application presented to him in Form 1.C.

2-B. APPEAL :

An appeal against an order passed by a registering Officer under section 3-B(6) shall lie to the Labour Commissioner, Andaman and Nicobar Islands provided that an appeal against an order passed by the Labour Commissioner, Andaman and Nicobar Islands as registering officer shall lie to such officer of the Andaman and Nicobar Administration as the Administrator may appoint in this behalf.

2-C PROCEDURE FOR APPEAL :

- (1) (a) Every appeal under sub-section (1) of Section 3C shall be preferred in the form of a Memorandum signed by the appellant or his authorised agent and presented to the appellate authority in person or sent to him by registered post.
- (b) The Memorandum shall be accompanied by a certified copy of the order appealed from which shall be supplied to him by the registering officer free of cost.
- (c) The Memorandum shall set forth concisely and under distinct head the grounds of appeal against the order appealed from.
- (2) Where the Memorandum of appeal does not comply with the provisions of sub-rule (1) above, it may be rejected or returned to the appellant for the purpose of being amended within a time to be fixed by the appellate authority.
- (3) Where the Appellate authority rejects the memorandum of Appeal under sub-rule (2) or on ground of limitation shall record the reason for such rejection, and communicate the order to the appellant.
- (4) Where the Memorandum of appeal is in order the appellate authority shall admit the appeal, endorse thereon the date of presentation and shall register the appeal in a book called the register of appeals to be kept for the purpose.
- (5) When the appeal has been admitted, the appellate authority shall send a notice of appeal to the registering officer, as the case may be, from whose order the appeal has been preferred and the registering officer shall send the record of the case to the appellate authority.
- (6) On receipt of the record, the appellate authority shall send a notice to the appellant to appear before him at such date and time as may be specified in the notice for the hearing of the appeal.
- (7) If on the date fixed for hearing the appellant does not appear, the appellate authority may dismiss the appeal for default of appearance of the appellant unless the appellate authority chooses to consider to decide the appeal *ex parte* on merits.
- (8) (i) Where an appeal has been dismissed under sub rule 7, the appellant may apply to the appellate authority for the re-admission of the appeal and where it is proved that he was prevented by a sufficient cause from appearing when the appeal was called on for hearing, the appellate authority shall restore the appeal on its original number.
- (ii) Such an application shall, unless the appellate authority extends the time for sufficient reason be made within 30 days of the date of dismissal.
- (9) If the appellant is present when the appeal is called on for the hearing, the appellate authority may proceed to hear the appellant or his authorised agent and any other person summoned by him for this purpose, he shall pronounce judgement on the appeal, either confirming, reversing or varying the order appealed from.
- (10) (a) The judgement of the appellate authority shall state the points for determination, the decisions thereon and the reasons for the decisions.
- (b) The order shall be communicated to the appellant and a copy thereof shall be sent to the Registering Officer from whose order the appeal has been preferred.
- (4) In chapter II of the Main Rules in the Sub-Heading 'Rules prescribed under section 5' the words and numbers, "sections 4 and 5" shall be substituted for the words and number "section 5".
- (5) The existing provisions of Rule 3 of the Main Rules shall be renumbered as clause (3) and before that the following shall be inserted as clauses (1) and (2) :-
 - (1) An officer of the Administration not lower than Labour Inspector shall be duly qualified to be appointed as Inspector under the Act, an officer of the Administration not lower than the Labour Commissioner shall be the Chief Inspector under the Act.
 - (2) Subject to such directions as the Administration may give in this behalf, the Chief Inspector may declare the local area or areas within or the Plantations with respect to which Inspector and Additional Inspectors shall exercise their power under this act.
- (6) In Rule 31 of the main Rules, the words "to which section 12 of the Act applied" shall be substituted for the words "wherein fifty or more women workers are employed or were employed on anyday of the proceeding twelve months".
- (7) After Rule 67 of the main rules, the following chapter shall be inserted ;a

CHAPTER—IV-A

Accidents and Compensation

Rules made under Section 16 'A' to Section 16 'C'

67-A. COMMISSIONER

A member of the Indian Administrative Service or Delhi and Andaman and Nicobar Administrative Civil Service posted in the Andaman and Nicobar Islands Service shall be qualified to be appointed as a Commissioner for the purpose of determining the amount of compensation payable under Section 16-S.

67-B. PROCEDURE TO BE FOLLOWED BY COMMISSIONERS AND OTHER MATTERS :

The provisions of the Workmen's Compensation Act, 1923 (Central Act No. 13 of 1923) and the Rules made by the A & N Administration thereunder shall mutatis mutandis apply to the proceedings before the Commissioner to the extent that such provisions are consistent with the provisions of the Act and the rules made under it.

67-C The amount of Compensation awarded under the act may be recovered as an arrears of land revenue on the receipt of a certificate from the Commissioner by the Collector of the District in which the Plantation, in which the deceased or injured worker was or is working, is situated and for this purpose the provisions of Revenue Recovery Act, 1890, and the Andaman and Nicobar Islands Land Revenue and Land Reform Regulation 1966 shall apply.

(8) After rule 70 under Chapter VI of the principal Rules the following new provision shall be inserted:—70A (1) When an accident occurs which causes death or any bodily injury to a worker by reason of which he is prevented from working for a period of 48 hours or more immediately following the accident or an accident of the type mentioned in the schedule appended to these rules occurs, the employer shall forthwith send notice thereof by a special messenger, telephone or telegram to the Inspector or Additional Inspector in whose Jurisdiction the accident has occurred :

Provided that, if the accident is fatal or is likely to prove fatal, notice as aforesaid shall also be sent to the Chief Inspector and the Officer Incharge of the nearest Police Station.

Provided further that an oral or telegraphic message will invariably be followed by a notice in writing in form 7A to be despatched by registered post on the day next following the date of the accident.

- 2. A register of accidents shall be maintained in Form 7B.
- 3. Form 1 of the Main Rules shall be renumbered as Form I. D.

By order,

Sd/-

(S. M. Chandrasekharan),
Assistant Secretary (H & R).

Andaman And Nicobar Administration

Form I—A

(See Rule 2—A (1))

APPLICATION FOR REGISTRATION OF A PLANTATION

- 1. Name and location of Plantation.
- 2. Full Name and particulars including percentage and residential address and postal address of
 - (i) The employers of the Plantation in case of a private firm/proprietary concern.
 - (ii) Directors in the case of Company/Firm
 - (iii) The Chief Administrative head of the Department in the case of a Government of Local fund Plantation.
- 3. Full name and address of the Manager or person responsible for the supervision and control of the Plantation.
- 4. (a) Area of the Plantation indicating Khasra number and area of each Khasra.
(b) Area of land actually under Plantation in the Khasra number and their areas.
- 5. Maximum number of workers employed on any day during the last twelve months.
- 6. Particulars of treasury receipt enclosed.....(Name of treasury amount and rate)

I hereby declare that the particulars given above are true to the best of my knowledge & belief.
Employer.

Place
Dated

FORM-I-B

See Rule 2-A (3)

REGISTER OF PLANTATION

Sl. No.	Name and location of Plantation	Full name and particulars including percentage residential address and postal address of.
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1.	2.	Employer the Plan-tation in case of private firm/ proprietary concerned. 3(a)	Director in case of company or firm. 3(b)	The Chief Adminis-trative head in the case of a Govt. or local fund planta-tion. 3(c)
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Full name and address of the Manager or person responsible for the supervision and control of the plantation,

Area of the Plantation indicating Khasra number and area of each Khasra.

Area of land actually under plantation with Khasra number and their area.

4.	5 (a)	5 (b)
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Maximum number of workers, employed on any day during the twelve months.

Particulars of treasury receipt enclosed (name of treasury, amount and date)

Remarks.

6	7	8
---	---	---

Date of receipt of application

Seal and Stamp
Office of the Registering
Office.

FORM-I-'C'
SEE RULE 2-A (4)
CERTIFICATE OF REGISTRATION

Certified that the Plantation bearing the following particulars has been registered under Section 3-A (4) of the Plantation Labour Act and the rules made thereunder at serial number.....@ of the Register maintained in the office of the undersigned.

1. Name of the Plantation :
2. Area under Plantation :
3. Khasra No.
4. Village
5. Tehasil
6. District

Signature of the
Registering Officer with Seal

Date @ The number to be indicated here shall include the place of the headquarters of the registering officer and the serial number at which the particulars of the relevant plantation has been entered in the register.

FORM 1—D'

SEE RULE 2—A (5)

FORM OF CHANGE IN OWNERSHIP/MANAGEMENT EXTENT OF AREA OR OTHER PARTICULARS MENTIONED IN THE APPLICATION FORM REFERRED TO IN SUB RULE (5) OF RULE 2 A

To

The Registering Officer

I hereby notify that the following change (e) has/have with effect from.....(date) taken place in respect of my plantation as applied by me in my application dated.....

My registration certification number is.....dated.....

(Here mention the change)

Therefore, you are requested to cancel the issue a fresh

Registration of Plantation

Certificate of registration incorporating the above change.

@ Strike off whichever is not applicable.

Signature of the Employer.

Dated :—

FORM 7-A

NOTICE OF ACCIDENT

(See Rule 70-A (2))

1. Name of the employer;
2. Address of work where accident occurred.
3. Exact place where the accident occurred
4. Injured person
 - (a) Name
 - (b) Percentage
 - (c) Age
 - (d) Sex
 - (e) Occupation
 - (f) Full Address
5. Date and hour of accident
6. Hour at which he started Work on the day of accident
7. (a) Cause of nature of accident
(b) If caused by machinery:
 - (c) Give name of the machine and part causing the accident and : (b) (i)
 - (ii) State whether it was moved by mechanical power at the time : (b) (ii)
 - (iii) State exactly what injured person was doing at the time : (a)
8. Nature and extent of injuries (e.g.) fatal, loss of finger fracture of leg, scald scratch followed by sepsis
9. If accident is not fatal or likely to be fatal, state whether the injured person is likely to be prevented from working for 48 hours or more immediately following the accident.
10. Name of Medical Officer in attendance on injured person.

I certify that to the best of my knowledge and belief, the above particulars are correct in every respect.

Signature of Occupier or Manager.
Date of Dispatch of Report.

FORM-7 (B)

(See Rule 70-A (3))

REGISTER OF ACCIDENTS AND DANGEROUS OCCURENCES

Name of injured person (if any).	Date of Accident.	Date of report.	Nature of accident.	Date of return of injured person to work.	No. of days injured person was absent from work.	Compensation determined with date of determination.	Compensation paid with date of payment.
1	2	3	4	5	6	7	8

SCHEDULE FORM-7 'C'

(See Rule 70-A (1))

1. Accident causing total or partial disablement, or Disfiguration.
2. Any other type of accident which may be added to the Schedule by the Administrator, Andaman and Nicobar Islands, by notification in the official Gazette.

ANDAMAN AND NICOBAR ADMINISTRATION
CHIEF COMMISSIONER'S SECRETARIAT

NOTIFICATION

Port Blair, the 6th December, 1966/Agrahayana 15, 1888.

No. 159/36/F. 17/2/61-L.C.—In exercise of the powers conferred by Section 43 of the Plantation Labour Act, 1951 (39 of 1951) read with the Notification of the Govt. of India in the Ministry of Home Affairs No. F. 2/3/61. Judl. II (1) dated the 23rd January, 1962 and with the approval of the Central Govt., I, Mahabir Singh, Chief Commissioner, Andaman and Nicobar Islands, hereby make the following rules, the same having been previously published as required by Sub-section (1) of Section 43 of the said Act, namely:—

THE ANDAMAN AND NICOBAR ISLANDS PLANTATION LABOUR RULES, 1966.

CHAPTER—I

PRELIMINARY

1. *Short title, extent and commencement*:—These Rules may be called the Andaman and Nicobar Islands Plantations Labour Rules, 1966.

(2) They shall extend to the whole of the Union Territory of the Andaman and Nicobar Islands.

(3) These Rules except rules 12 to 19 and 29 to 42 shall come into force at once. Rules 12 to 19 and 29 to 42 shall come into force in respect of any Plantation or group of Plantations on such date as the Chief Commissioner may, by notification in the Official Gazette, appoint.

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

- "Act" means the Plantations Labour Act, 1951.
- (b) "Chief Commissioner" means the Administrator of the Union Territory of Andaman and Nicobar Islands appointed by the President under article 239 of the constitution.
- (c) "Form" means a form appended to these rules.
- (d) "Health Officer" means the Municipal Health Officer or such other official as may be appointed by the Chief Commissioner in that behalf.
- (e) "Inspector" means an officer appointed under section 4 of the Act and includes "Chief Inspector."
- (f) "Maintained" means maintained in an efficient state, in efficient working order and in good repair.
- (g) "Public Health Authority" means the local Health Officer having jurisdiction over the area.
- (h) "Section" means a section of the Act.
- (i) All other words and expressions used herein and not defined shall have the meaning respectively assigned to them under the Act.

CHAPTER—II

THE INSPECTING STAFF

3. *Powers and functions of Inspectors*:—An Inspector shall, for the purpose 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 take or cause to be taken photographs, to inspect, examine, measure, copy, photograph, sketch or test 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
- (i) the provisions of the Act and the rules regarding the health and welfare of workers employed in the Plantation are observed;
- (ii) 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;
- (iii) the prescribed registers are properly maintained;

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 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 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 employer

- (a) by delivering a copy of it to him personally or at his office, or
- (b) by registered post.

5. *Duties of Certifying Surgeons*.—(1) For the 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 No. 1 respectively in foil and counterfoil. In each book, the form shall be numbered 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 initialed by the Certifying Surgeon. The counterfoil in the bound book of forms shall be similarly marked "Duplicate" and initialed. For every copy of a duplicate certificate granted, a fee of 0.50 Np. 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 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 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 an examination as he may indicate for any plantation or class of plantations where young persons, 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 occasions) a room which shall be properly cleaned and adequately ventilated and furnished with a suitable table (with writing materials) and chairs.

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 findings to the Senior Medical Officer, Andaman and Nicobar Islands.

- (i) The Secretary--(i) shall assist the Chairman in convening meetings of the Board;
 (ii) may attend the meetings but shall not be entitled to vote at such meetings;
 (iii) shall keep a record of the minutes of such meetings; and
 (iv) shall take necessary measures to carry out the decisions taken at the meeting of the Board.

(11) *Allowances of Members* :--(1) The traveling allowance of an official member shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary.

(2) The non-official members of the Board shall be paid traveling allowance for attending the meeting of the Board at such rates as are admissible to Grade I Officers of the Central Government and daily allowances shall be calculated at the maximum rate admissible to Grade I Officer of the Central Government and daily allowances shall be calculated at the maximum rate admissible to Grade I Officers of the Central Government in their respective places.

(12) *Disposal of Business* :-- Every question which the Board is required to take into consideration shall be considered at a meeting, or if the Chairman so directs by sending the necessary papers to every member for opinion, and the question shall be disposed of in accordance with the decision of the majority:

Provided that in the case of equality of votes, the Chairman shall have a second or a casting vote.

Explanation--"Chairman" for the purposes of this Rule shall include the Chairman nominated under sub-rule (2) of rule 13 to preside over a meeting.

(13) *Meetings* :--(i) The Board shall meet at such places and times as may be specified by the Chairman.

(2) The Chairman shall preside over every meeting of the Board at which he is present and in his absence nominate a member of the Board to preside over such meeting.

(14) *Notice Of Meetings And List Of Business* :--(1) Ordinarily seven day's notice shall be given to the members of a proposed meeting.

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

(15) *Quorum* :--No business shall be transacted at any meeting unless at least five members are present:

Provided that if at any meeting less than five members are present, the Chairman may adjourn the meeting to another date informing the members present and giving notice to the other members that he proposes to dispose of the business at the adjourned meeting whether there is prescribed quorum or not, and it shall thereupon be lawful for him to dispose of the business at the adjourned meeting irrespective of the number of members attending the said meeting.

(16) *Committees Of The Board* :--(1) (i) The Board may constitute such Committees and for such purpose or purposes as it may think fit.

(ii) While constituting the committee the Board may nominate one of its members to be the Chairman of the Committee.

(2) (i) The Committee shall meet at such time and place as the Chairman of the said Committee may decide.

(ii) Provisions of Rules 12, 13 (2), 14 and 16 shall apply to the Committee for transaction of business at its meetings as they apply to the board, subject to the modification that quorum specified in rule 15 shall be one third of the members instead of 5 members.

(3) The provisions of rule 11 shall apply to the members of the Committee for attending the meetings of the Committee as they apply to the members of the Board.

CHAPTER III

REGISTRATION AND LICENSING

Mode of making application for Registration of Establishments

(1) The application referred to in sub-section (1) of section 7 shall be made in triplicate, in Form I to the registering officer of the area in which the establishment sought to be registered is located.

(2) The application referred to in sub-rule (1) shall be accompanied by a treasury receipt showing payment of the fees for the registration of the establishment.

(3) Fees application referred to in sub-rule (1) shall be either personally delivered to the registering officer or sent to him by registered post.

(4) On receipt of the application referred to in sub-rule (1), the registering officer shall, after noting thereon the date of receipt by him of the application, grant an acknowledgement to the applicant.

18. *Grant of Certificate of Registration*:—(1) The certificate of registration granted under sub-section (2) of section 7 shall be in Form II. (2) Every certificate of registration granted under sub-section (2) of section 7 shall contain the following particulars namely:—

- (a) The name and address of the establishment;
- (b) the maximum number of workmen to be employed as contract labour in the establishment;
- (c) the type of business, trade, industry, manufacture or occupation which is carried on in the establishment;
- (d) such other particulars as may be relevant to the employment of contract labour in the establishment;

(3) The registering officer shall maintain a register in Form III showing the particulars of establishments in relation to which certificates of registration have been issued by him.

(4) If, in relation to an establishment, there is any change, in the particulars specified in the certificate of registration, the principal employer of the establishment shall intimate to the registering officer, within thirty days from the date when such change takes place, the particulars of, and the reasons for, such change.

19. *Circumstances in which application for Registration may be rejected*:—(1) If any application for registration is not complete in all respects, the registering officer shall require the principal employer to amend the application so as to make it complete in all respects.

(2) If the principal employer, on being required by the registering officer to amend his application for registration, omits or fails to do so, the registering officer shall reject the application for registration.

20. *Amendment of Certificate of Registration*:—(1) Where, on receipt of the intimation under sub-rule (4) of rule 18, the registering officer is satisfied that an amount higher than the amount which has been paid by the principal employer, as fees for the registration of the establishment, is payable, he shall require such principal employer to deposit a sum which, together with the amount already paid by such principal employer would be equal to such higher amount of fees payable for the registration of the establishment and to produce the treasury receipt showing such deposit.

(2) Where, on receipt of the intimation referred to in sub-rule (4) of rule 18, the registering officer is satisfied that there has occurred a change in the particulars of the establishment, as entered in the register in Form III, he shall amend the said register and record therein the change which has occurred:

Provided that no such amendment shall affect anything done or any action taken or any right, obligation or liability acquired or incurred before such amendment;

Provided further that the registering officer shall not carry out any amendment in the register in Form III unless the appropriate fees have been deposited by the principal employer.

21. *Application For A Licence*:—(1) Every application by a contractor for the grant of a licence shall be made in triplicate, in Form IV, to the licensing officer of the area in which the establishment in relation to which he is the contractor, is located.

(2) Every application for the grant of a licence shall be accompanied by a certificate by the principal employer in Form V to the effect that the applicant has been employed by him as a contractor in relation to his establishment and that he undertakes to be bound by all the provisions of the Act and the rules made thereunder in so far as the provisions are applicable to him as principal employer in respect of the employment of contract labour by the applicant.

(3) Every such application shall be either personally delivered to the licensing officer or sent to him by registered post.

(4) On receipt of the application referred to in sub-rule (1), the licensing officer shall, after noting thereon the date of receipt of the application, grant an acknowledgement to the applicant.

(5) Every application referred to in sub-rule (1) shall also be accompanied by a treasury receipt showing:—

- (i) the deposit of the security at the rates specified in rule 24, and
- (ii) the payment of the fees at the rates specified in rule 26.

22. *Matters to be taken into account in granting or refusing a licence*:—(1) In granting or refusing to grant a licence, the licensing officer shall take the following matters into account, namely:—

(a) Whether the applicant—

- (i) is a minor, or
- (ii) is of an sound mind and stands so declared by a competent court, or

CHAPTER—III

7. *Drinking Water*:—An adequate supply of wholesome drinking water shall be made available in every plantation at worksites, at all times during working hours.

7A. *"Distribution of Water"*:—Drinking water shall be supplied at worksites at conveniently accessible points through pani wallahs or by tankers, etc.

8. *Sources 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 to keep the vessels scrupulously clean.

10. *Cleanliness of Well and 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 requirements 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 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.

12. *Latrine Accommodation*:—(a) Latrine accommodation shall be provided in every plantation on the scale of one latrine for every 20.25 Hect. of the area under cultivation or part thereof:

Provided that there 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.

13. *Latrine to Conform to Public Health Requirements*:—The latrines 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.

14. *Privacy of Latrines*:—Every latrine shall be under cover and so partitioned off as to secure privacy and shall have a proper door and fastening.

15. *Sign Boards 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.

16. *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.

17. *Urinal Accommodation*:—Urinal accommodation shall be provided on the scale of one urinal for every 20.25 Hect. of the area under cultivation or part thereof. The urinals shall be conveniently situated for both males and females and shall have exclusive access for either sex.

18. *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 public health authorities.

19. *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

Medical Facilities

20. *Types of Hospitals* — There shall be two types of hospitals in plantations, viz; garden hospitals and Group Hospitals.

- Rules prescribed under Section 10
- (i) Garden Hospitals will deal with out-patients, in-patients not requiring any elaborate diagnosis and treatment, infectious cases, mid-wifery, simple pre-natal and post-natal care, 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.

21. *Garden Hospitals* — (1) Subject to the provisions of sub-rules (2) and (3), every employer shall within three years from the date of issue of these rules, either

- (a) provide a garden hospital in his plantation according to the standards laid down in these rules; or
- (b) have 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 the case of lien on hospital beds outside the plantation, a plantation or group of plantations may provide a dispensary with up to 5 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 group 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 render 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 upto 5 detention beds, under the immediate care of a full-time-qualified compounder, but supervised and visited thrice a week 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 maternity Assistant, a qualified compounder, one man and one woman nursing orderly and one sweeper. The services of the staff shall be readily available during all hours.

Provided that doctor, nurses, maternity assistants and compounders employed in plantations at the commencement of these rules and who do not possess the requisite Qualifications may continue in service until their retirement.

(6) Medical and auxiliary personnel shall be appointed according to the following scale:

Qualified medical practitioner	number of workers not less than	...	1/1750
Maternity Assistant	...	...	1/1750
Male nursing orderly	...	...	1/1750
Female nursing orderly	...	...	1/1750
Compounder	...	...	1/1750
Sweepers	...	...	1/1750

(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 9 sq. metre of floor space.

(b) Every hospital shall be of sound permanent construction, with impermeable washable walls to a height of at least 92 c.m. on the inside with proper water supply and efficient sanitary arrangements.

(c) Every hospital shall have pure piped water supply and the ward, consulting room, operation theatre and dispensary shall each have a water point over a suitable glazed sink provided that with the approval of the Chief Commissioner suitable alternative arrangements may be made by the employer in regard to supply of pure water.

(d) the following departments shall be provided—

- (i) General ward for males;
- (ii) General ward for females;
- (iii) Maternity with separate labour room;
- (iv) Family planning centre;
- (v) Infectious ward with separate sanitary arrangements;
- (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);

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

22. *Group Hospitals*:— (1) Group Hospitals shall be established within 5 years from the date of issue of these rules.

(2) Plans for the establishment of group hospitals containing details as regards their location and size, areas of plantations served, the number of workers employed thereon etc. shall be approved by the Chief Commissioner.

(3) Every Group Hospital shall have a minimum of 100 beds and there be at least 7 beds per 700 workers, every bed having 7.5 sq. metre of floor space;

Provided that the Chief Commissioner, 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 he 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 Chief Commissioner.

(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 Chief Commissioner, 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 Blocks;
- Kitchen and Laundry blocks;
- Lavatories and bath rooms;

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 arrangements 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 Chief Commissioner. 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.

23. *Equipment and Drugs*:—(a) Every dispensary, garden hospital and group hospital shall maintain such equipment and drugs as may be specified by the Chief Commissioner.

(b) The Senior Medical Officer or any Assistant to the Senior Medical Officer, shall visit the dispensaries, garden hospitals and group hospital at least once a year to see whether they are sufficiently equipped and stocked with drugs and send a report to the management and to the Chief Inspector of Plantations.

24. *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 Chief Commissioner for the purpose; and

(b) Comply with such regulations as may be made by the Chief Commissioner in respect of the medical stores.

25. *Standard of Medical Facilities*:—(a) Out-patients treatment: 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 certificate free of cost in respect of sickness benefit claims under section 9 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 Chief Commissioner may fix the charge of food supplied to a patient while he is in the hospital.

26. *Submission of Scheme for the Provision of Medical Facilities and Progress Reports*:—(1) Within six months from the date of issue of these rules every employer shall submit to the Central Government as well as to the Chief Commissioner 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 Government as well as to the Chief Commissioner reports in such form as may be prescribed by the 31st January and 31st July every year to show the progress made in providing medical facilities according to the approved scheme.

27. *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 a 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/dispensary for each day's maintenance; and

(c) transport to and fro provided to the sick worker.

CHAPTER—IV

WELFARE.

29. *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 coffee, tea and snacks to workers.
Rules prescribed under Section 11

30. *Prices to be charged*:—(1) Coffee, 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.

31. *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.
Rules prescribed under sub-section (3) of sec. 12

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

(3) There shall be not less than 1.5 Sq.m. 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 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 and provided with playing materials such as sliding chutes, See Saws, dummy horses, toys, etc.

(7) A suitably fenced and shady open air play-ground 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 Chief Commissioner; and

(ii) such other staff on a scale approved by the Chief Commissioner.

32. *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.

33. *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.

34. *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.

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

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

Provided that subject to the provisions of rule 37, a group of employers may with the approval of the Chief Inspector, provide and maintain joint recreation centres and play-grounds and share their expenses.

36. Every recreation centre to be provided and maintained under rule 35 shall be conveniently situated as near as possible to the workers quarters.

37. *Educational Facilities for Workers' Children*:—Every employer shall, if the number of Rules prescribed under workers' children between the ages of 6 and 12 in his plantation, exceeds Section 14 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 Andaman and Nicobar Administration or of any local body for imparting free education to the children upto the primary or higher standard, with enough seats to admit the children between the age of six and twelve of the workers in his plantation and within a distance of 1.609 k. metre. 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 subject to the provisions of sub-rule (1) of rule 38, a group employers may jointly provide and maintain a primary school and share its expenses.

38. (1) Every school to be provided and maintained under rule 38 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 Chief Commissioner :

Provided that where there is no standard plan or where it is proposed to deviate from a standard plan the Chief Commissioner's approval of the plan of the school building shall be obtained.

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

39. The employer or employers, as the case may be, shall provide for every primary school maintained under rule 38 such educational and other equipment as may be considered necessary by the Chief Commissioner.

40. (1) The employer or employers concerned shall appoint one teacher for every 40 children attending the primary school.

(2) The teachers shall possess the qualifications prescribed by the Chief Commissioner 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 C. C. may subject to such considerations as he may specify, relax any of the qualifications.

41. The Curriculum, duration standard and syllabus of the course of instructions to be imparted in the primary school shall be such as may be approved by the Chief Commissioner.

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

43. *Housing Accommodation for Workers*:—Every employer shall provide for every worker Rules prescribed and his family residing in a plantation, housing accommodation as near as possible to under Sec. 16: 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 for at least eight percent of the resident workers every year.

44. *Standards and Specifications of Housing Accommodation*:—All housing accommodation for workers in a plantation shall conform to such standards and specifications as may be approved by the Chief Commissioner on the recommendation of the Advisory Board referred to in Rule 53.

45. *Sites for Housing Accommodation*:—(1) The housing accommodation shall be provided on dry well-drained land which, consistent with the requirements regarding distance from 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 high t flood level.

(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.

46. *Housing Scheme*:—Within three months from the date of intimation by the Chief Commissioner of his approval of the Advisory Boards recommendations in the matter, 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 43.

(2) The type design which is proposed to be adopted for the construction of houses, such designs being in conformity with the standards and specifications as may be approved by the Chief Commissioner under rule 44.

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

47. *Construction of Houses in Accordance with Schemes 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 the 31st July every year.

48. *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 defects in the conditions of a house which make it dangerous to the health and safety of the worker. Where an Inspector so bring 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 paintings was carried out shall be maintained in a register in Form No. 5.

49. *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 plantations.

50. *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 four 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 children.

(2) The occupant of a house shall 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 houses and portions thereof shall be kept in good repair and shall be maintained in a clean and sanitary condition.

(6) No cattle or goat shall be kept in the living rooms or verandas and no windows or air spaces, shall be blocked up.

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

51. *Occupation of Accommodation after Termination of Employment:*—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 detailed below :

- (i) in the case of death, a period not exceeding two months;
- (ii) in the case of transfer, termination of service, retirement or resignation, a period not exceeding one month;
- (iii) in the case of leave, for the period of leave; and
- (iv) 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.

52. *Facilities for Harvesting Standing Crop 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

53. *Constitution of Advisory Board:*—The Chief Commissioner shall, by notification in the official gazette constitute an Advisory Board for consultation in regard to matters connected with housing.

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

- (i) (A Secretary) the Chief Commissioner designated who shall be the chairman of the Board;
- (ii) the Chief Inspector of Plantations who shall be the Secretary of the Board;
- (iii) one official to be nominated by the Chief Commissioner; and
- (iv) three 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.

55. *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 member of the Board shall hold office during the absence of the Chief Commissioner.

56. *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.

57. *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 Chief Commissioner 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 Chief Commissioner considers 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

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.

59. *Time and Place of Meetings*:—The Advisory Board shall meet at such time and place as may be appointed by the Chairman.

60. *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 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.

61. *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.

62. *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.

63. *Decision by Majority*:—(1) Every question at a meeting of the Advisory Board shall be decided by the 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.

64. *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 that meeting.

65. *Powers and Functions of the Advisory Board*:—(1) The advisory Board shall advise the Chief Commissioner 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 Chief Commissioner to issue such instructions in the light thereof as will ensure compliance with the relevant provisions of the Act and these rules within the schedule 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 Chief Commissioner or by the Chairman of the Advisory Board.

66. *Removal of Difficulties*:—If there is any difficulty in the working of rules 53 to 65, the Chief Commissioner may issue such instructions as he may consider necessary to remove the difficulty.

CHAPTER--V

HOURS AND LIMITATION OF EMPLOYMENT

68. *Weekly Holidays*:—(1) Unless otherwise permitted by the Chief Commissioner 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.

Rule prescribed under Sec. 20.

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 if so required by his employer, 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 a particular area as fixed under the Minimum Wages Act, 1948, and where there is no such rate, at double the ordinary rate.

69. *Notice of Period of Work*:—(1) The notice prescribed in section 23 shall be in Form No. 6.

Rule prescribed under Sec. 23.

(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 periods 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.

CHAPTER—VI

SICKNESS

70. *Payment of Sickness Allowance*:—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 wages or at the rate of two-thirds of the average daily earnings if he is employed on piece wages, subject to a minimum of Rs. 1/- per day.

Rules prescribed under Sec. 32.

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 worker 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.

CHAPTER VII

MISCELLANEOUS

71. *Appeals*:—(1) An appeal against the orders of an Inspector shall lie to the Chief Inspector

(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.

72. Registers:—(1) Every employer shall maintain:—

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

- (a) registers of adult and 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.

(2) (a) Every employer shall provide a plantation worker with a book in Form No. 11 (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.

(b) If a worker loses his Leave Book, the employer shall provide him with another copy on payment of 15 Paise.

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

73. 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. 12.

(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. 13, 14, 15 and 16.

(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 report in duplicate in regard to the provision of medical facilities in Form No. 17.

FORM No. 1

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

CERTIFICATE OF FITNESS.

1. Serial No.
Date

- 2. Name
- 3. Father's Name
- 4. Sex
- 5. Residence
- 6. Age certified
- 7. Physical fitness
- 8. Descriptive marks
- 9. Reason for

- (i) refusal of certificate
- (ii) certificate being revoked

Thumb Impression

Serial No.
Date

I certify that I have personally examined (name).....
.....
Son/daughter of.....
residing at.....
.....
and that his/her age, as nearly as can be ascertained from my examination is.....
..... years and that he/she is fit for employment in plantation as and adolescent/child.
His/her descriptive marks.....
are.....

Thumb Impression

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	Initials 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 SURGEONS VISIT NOTE

Visit to (Plantation) on (date) 19

Name of the Certifying Surgeon

Examination and Certificates

(A) Children

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).....

(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.

FORM No. 4

(Prescribed under Rule 47)

YEARLY PROGRESS REPORT FOR THE PERIOD FROM 1ST JULY 19
TO 30TH JUNE 19

- (i) Name of Plantation.....
- (ii) Name of State and 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 rules 48 and 50(1)].....
- (vi) Number of houses required to be provided according to the approved scheme every year (8% 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 item (vi)...

FORM No. 5

[Prescribed under sub-rule (3) of Rule 48]

RECORD OF LIME WASHING, PAINTING, ETC.

Description of houses	Part's lime washed, painted, varnished or oiled, e.g., walls, ceilings, wood work etc.	Treatment whether lime washed, painted varnished or oiled	Date on which lime washing painting or oiling was carried out (according to the English Calendar)			Remarks.
			Date	Month	Year	
1	2	3	4	5	6	7

FORM No. 6

(Prescribed under Rule 69)

NOTICE OF PERIOD OF WORK

Name of plantation Place District

Name of work	Adults		Adolescents		Children	Description groups		Remarks.
	Male A B C D E F	Female G H I J	Male K L M	Female N O P Q R		Group letter	Nature of work.	
.....								
.....								
.....								
.....								

A B C D E F G H I J K L M

..... (Signed) EMPLOYER

Instruction to be followed in filling in the notice of period of work.

Divide all workers into groups according to the nature and periods of their work and classify 'Groups' as A, B, C, D, etc.

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 70)

CERTIFICATE OF SICKNESS

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

*Signature, qualification and designation of
 Medical Practitioner.*

FORM No. 8

(Prescribed under sub-rule (1) of Rule 72)

REGISTER OF ADULT WORKERS

S. No.	Name, Age and address	Father's/Husband's name	Nature of work	Letter of group as in Notice of period of work (Form No. 6)	Remarks
1	2	3	4	5	6

FORM No. 10

(Prescribed under sub-rule (1) of Rule 72)

REGISTER OF LEAVE WITH WAGES

Part I

Adults

Part II

Non-adults

Plantation

Sl No.

No. in the Register of adult/non-adult workers of entry into service

Name of worker
 Father's/Husband's name
 Address

Number of days worked		Leave earned	Leave at credit (including balance, 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	Total days worked			From	To	Number of days worked			
2	3	4	5	6	7	8	9	10	11

11:—Separate page shall be allotted to each worker.

FORM No. 11

(Prescribed under sub-rule (2) of Rule 72)

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.....

To	Total days worked	Leave earned		Leave at credit (including balance 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.	
		4	5		From	To				Number of days
2	3		5		6	7	8	9	10	11

NOTE:—The leave book shall be made out separately for each worker on their bound, sheets

FORM No. 12

(Prescribed under sub-rule (1) of Rule 73)

Annual Return Year ending the 31st December, 19.....

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

1. Name of plantation.....
2. Name of employer.....
3. District..... Tahsil.....
4. Postal address.....
5. Average number of workers employed daily* {
 - (i) Men.....
 - (ii) Women.....
 - (iii) Adolescents.....
 - (a) Male.....
 - (b) Female.....
6. Normal hours worked per week {
 - (i) Adults.....
 - (ii) Adolescents.....
 - (iii) Children.....
7. Number of days worked in the year.....
8. What rest intervals were given to** {
 - (i) Adults.....
 - (ii) Adolescents.....
 - (iii) Children.....
9. Were week days sometimes substituted for Sundays as weekly holidays?.....
10. Total number of workers discharged during the year for which this return is made.....

Certified that the Information furnished above is to the best of my knowledge and belief, correct.

Signature of Employer

*The average daily number should be calculated by dividing the aggregate number of attendances on working days by the number of working days in the year. In reckoning attendances, attendance by temporary as well as permanent workers should be counted and all workers should be included, whether they are employed directly or under contractors, days on which the plantation was closed, for whatever cause, should not be treated as working days.

**Enter "one hour", "two half hours", "one half hour" or "None" as the case may be. If none of these categories apply to the adult workers, enter the category applicable to the majority of adult workers. Where the majority received an interval exceeding one hour, enter "one hour".

FORM No. 18

(Prescribed under rule (2) of Rule 75)

Leave with wages annual return for the year ending 31st December 19.....

(To be furnished to the Inspector and Chief Inspector by the 15th February)

1. Name of Plantation... ..
2. Name of employer... ..
3. District... ..Tahsil... ..
4. Postal Address... ..
5. Total number of persons employed during the year... ..
 - (a) Men... ..
 - (b) Women... ..
 - (c) Young persons... ..
 - Adolescents... ..
 - Children... ..
6. Number of persons who were granted leave during the year—
 - (a) Men... ..
 - (b) Women... ..
 - (c) Adolescents... ..
 - (d) Children... ..
7. Number of workers to whom the leave allowed amounted to thirty days.
 - Men... ..
 - Women... ..
 - Adolescents... ..
 - Children... ..

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

Signature of Employer.

FORM No. 14

[Prescribed under sub-rule (2) of Rule 7.]

Annual Return-Creches (year ending 31st December 19.....)

(to be furnished to the Inspector and Chief Inspector by the 15th February)

1. Name of Plantation.....
2. Number of women workers normally employed.....
3. Area of the Plantation.....
4. Number of Creches.....
5. Number of Children admitted in each creche.....
6. Average daily attendance of children at each creche.....
 - (i) Two years and below.....
 - (ii) Above two years.....
7. Facilities provided in each creche—.....
 - (i) Milk.....
 - (ii) Food.....
 - (iii) Clothes.....
 - (iv) Toys.....
 - (v) Medical Aid.....
 - (vi) Others.....
8. Strength of staff employed in each creche.....
 - (i) Doctors:
 - (a) Males.....
 - (b) Females.....
 - (ii) Nurses.....
 - (iii) Ayaba/or inferior attendants.....
 - (iv) Sweepers.....
9. Remarks.....

Certified that the information furnished above is to the best of my knowledge and belief correct.

Signature of Employer.

Date.....

FORM No. 15

(Prescribed under sub-rule (2) of Rule 73)

ANNUAL RETURN—CANTEENS

Year ending the 31st December, 1966

(To be furnished to the Inspector and Chief Inspector by the 15th February)

Name of the Plantation	Number and type of canteens		Number of workers patronising each canteen normally daily.	Whether articles sold below cost price. If so, State, items provided below cost price in each canteen.	Remarks.
Name of Plantation	Providing cooked food and refreshment only.	Providing cooked food refreshment only.	Providing tea and refreshment only.	Providing tea only.	
	2	3	4	5	6
					7
					8

I certify that the information furnished above is to the best of my knowledge and belief correct.

Signature of Employer.

FORM No. 16

(Prescribed under sub-rule (2) of Rule 73)

ANNUAL RETURN—SICKNESS BENEFIT

For the year ending the 31st December 196.....

(To be furnished to the Inspector and Chief Inspector by the 15th February)

Name of Plantation.....

Number of persons employed.	Number of persons who applied for sickness benefit.	Number of cases in which the claim was rejected and the reason therefor.	Number of persons who were granted sickness benefits and the total amount paid.	Remarks.
1	2	3	4	5

Date.....

Signature of Employer.....

FORM No. 17

[Prescribed under sub-rule (3) of Rule 75]

PROVISION OF MEDICAL FACILITIES

Return for the period ending 30th June 196
or 31st December 196

(To be furnished to the Inspector or 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	Facilities prescribed in the rules	Facilities available	Deviation + (Plus) --- (Minus)
Hospital beds			
Doctors			
Midwives			
Nurses			
Compounders			
Anti-malaria assistants			

5. Number of first aid boxes or
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
par with those prescribed in the rules. State with
special reference to the various stages of the approved
scheme for provision of medical facilities.7. Number of patients recommended for treatment at the
Group Hospital and arrangements made for their treat-
ment if no Group Hospital has been established.*Signature of the Employer.*

MAHABIR SINGH,

Chief Commissioner,
Andaman and Nicobar Islands.

By order and in the name of the Chief Commissioner.

B. C. ACHARI

Assistant Secretary to the Chief Commissioner,
Andaman and Nicobar Islands.