APPENDIX
APPENDIX - A

THE LABOUR PLANTATION ACT, 1951

The Plantation Legislation Act was passed by the Central Government in the year 1951. The Government of Assam, in pursuance of the powers conferred by sub section (i) section 43 of the Plantation Labour Act, 1951, has enacted the Assam Plantation Labour Rules 1956.

The salient feature of Assam Plantation Labour Rules 1956 can be stated as under-

**Provision to Health:**

**Drinking water facilities:**

Sec. 8 of the Rules 7-11 provides availability of drinking water, which shall be made available in every plantation at work sites, labour quarters etc. at all the time.

**Conservancy facilities:**

Sec. 9 of the Rules 13-20 provides latrine and urinals accommodation to every plantation at the scale of one latrine for every 50 acres of the area under cultivation or part thereof. There shall be at least one latrine each for either sex with sufficient water supply and drainage system. The accommodation shall be extended to labour quarters also.

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Medical facilities:

Sec. 10 of the Rules 35-43 provides two types of hospitals—Garden Hospital and Group Hospital.

1. Garden Hospital:

   In every plantation ordinarily employing less than 500 workers, there shall be a hospital with minimum facilities like, 15 beds for 1,000 workers, one qualified medical practitioner for every 1,750 workers, one midwife for every 1,750 workers and one nursing attendant for every 300 workers and, one pharmacist for every 1,750 workers and one health Asstt. for every 2,100 workers.

   Every hospital shall have pure piped water supply in every department. In every hospital, transport facilities shall be provided for carrying patients to and from Group Hospital free of charge by the employer.

2. Group Hospital:

   Group hospitals shall established by the employers of the plantation situated in the areas or sub-areas as specified by the Chief inspector of Plantations within the time limit prescribed by him in consultation with the Medical Advisory Board at such places as are considered central or otherwise suitable to the groups of the gardens concerned and share the cost of establishment, running, etc of such hospitals.
Every Group Hospital shall have a minimum of 100 beds and there shall be at least 3 beds per 700 workers. The hospital shall be built according to such specifications as may be approved by the State Government.

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, operation theatre block, laboratory etc. with full facilities for treatment of any diseases.

Welfare Activities:

1. Canteen facilities:

Section 11 of the Rules 44-45 provides for maintenance of canteens for workers. Rule 44 provides that, every plantation wherein there are 150 or more workers, the employer shall provide and maintain a canteen, as specified by the chief Inspector of Plantations with proper approval of the State Government, at or as near as possible to their place or places of work.

Rule 45 provides that food-stuffs served in every canteen shall be sold on a nonprofit basis. Furniture, fuel, utensils and staff, for the canteen shall be provided at the cost of the employer.

2. Crèche facilities:

Section 13 of the Rules 46-49 of Assam Plantation Rules of 1956, provides that in every plantation wherein 50 or more woman workers are employed
or were employed on any day of the preceding twelve months, the employer shall provide and maintain crèches for the use of the children who are below 2 years of age, at suitable sites of the work places. It also provides that there should be crèches for the use of children who are between the age of 2 to 6 years to the scale of at least one for each of the main and the out gardens. According to the Rules the crèches should fulfill the following standards.

i) Every Crèche shall be conveniently accessible to the mothers of the children accommodated there in.

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

iii) The buildings in which the crèche is situated shall be of sound construction with a good plinth.

iv) The plan of the crèche buildings shall be in accordance with the standard plan laid down by the chief inspector.

v) The crèches shall be furnished with suitable furniture and provided with toys and other play things as may be specified by the chief Inspector of plantations with prior approved of the state Government.

vi) A suitable fenced and shady open air play ground shall be provided for the older children.
vii) The employer shall appoint a woman as crèche-in-charge and other staff to the scale of one for every twenty children to look after during the absence of their mothers.

Recreational Facilities:

Rule 50, prescribed under Section 12, and Article 50 provides that the State Government may make rules requiring every employer to make provision in his plantation for such recreational facilities for the workers and children employed therein as may be prescribed.

Educational facilities:

Rule 52 to 57 prescribed under Section 14 provide for the educational facilities for workers' children. Where the children between the ages of six and twelve of workers employed in any plantation exceed twenty-five in number, the State Government may make rules requiring every employer to provide educational facilities for the children in such manner and of such standard as may be prescribed.

Rule 54 provides that the employers shall provide educational and other equipments to schools.

Rule 55 provides that for every forty students there shall be one teacher who shall possess the qualifications prescribed by the State Education Department.
Rule 56 provides that the curriculum of the course of instruction shall be approved by the state Government.

Rule 57 provides that, no fees shall be changed from the worker’s children attending the primary school.

**Housing facilities:**

Rule 58 of section 16 provides that every employer shall provide for a worker and his family residing in a plantation, housing accommodation as near as possible to the place of work with regard to the requirement of the construction of a minimum prescribe number of quarters every year, it has faster been stated that on genuine grounds communicated in writing by the employer and on the advice of the Housing Board, the state Government may release this requirement to build houses for certain fixed percentage of workers.

Rule 60 provides sets for housing accommodation as follows:-

1. The housing accommodation shall be provided on dry well-drained land which is consistent with the requirement regarding distance from the tea beds and has supply of wholesome drinking water within a reasonable distance. The house shall be provided at a safe distance from the swamps and marbles 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 path 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.

Relating to housing scheme, Rule 61 provides that every employer shall submit to the chief Inspector of plantation for approval of a housing scheme for accommodation of the workers. The scheme shall provide for following matters:-

1. Specification of the period during which housing accommodation is proposed to be provided in respect of all resident workers in a plantation, such period being not latter then the period referred to in Rule 58.

2. The type design which is proposed to be adopted for the construction of houses such design being in conformity with the standards and specifications as may be approved by the state Government under Rule 59 built in accordance with the scheme.

Rule 62 provides for construction of houses as approved in writing by the Chief Inspector of Plantations.
Rule 63 provides for maintenance of houses that, the employer shall at his expenses maintain all the houses provided for the accommodation of the workers in a fit and safe condition and execute annual and other repair as may be necessary from time to time.

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

The employer shall get all house line washed at least once every year and all the doors, windows and other wooden structure varnished or painted in three years.

In any employer fails to comply with the requirements of sub-rules (1), (2) or (3), the Chief Inspector may cause repair etc. to be done and realize the cost thereof from the employer as arrears of land revenue.

The rule further explains that the above provisions shall apply to all houses whether built prior to the enforcement of the rules or subsequently, in accordance with the housing scheme and conforming to the standard and specification approved by the Government.
**Hours and limitation of employment:**

Rule 72 of Section 20, prescribes for weekly holidays on Sunday or any other day subject to requirement of the workload. Rule 74 of Section 23 prescribes that a notice specifying the period of work written in a language understood by the majority of workers in the plantation, shall be displayed at some conspicuous and convenient place and shall be maintained in a clean and legible condition.

**Amenities for protecting workers:**

Rule prescribed under section 17, and article 71, provides that, every employer shall supply to every worker free of cost.

1. One umbrella every two years.
2. One blanket or jersey every two years.
3. One pair of chappal every year and
4. One raincoat every two years. These will be the type and standards as prescribed by the chief Inspector from time to time with prior approval of the state Government.

**Sickness and Maternity benefit:**

Every worker shall be entitled to obtain sickness allowance for a period of 14 days in a year at the rate of two-thirds of his daily minimum wage. The

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2 Chapter VI of the Assam Plantations Labour Rules, 1956, deals with "Sickness and Maternity Benefit" where under Rule 74 prescribes procedure for payment of sickness allowance whereas Rules 74A and 74B define to notification of accident and register of accidents respectively.
certificate of sickness shall be issued in form no 7 by the Medical Officer or concerned authority.

Under the Maternity Benefit Act, 1944, every woman who worked directly under the employer in a premise for a total period of 150 days during the period of 12 months preceding the date on which the notice was given by the expectant mother, maternity benefits be provided in the form of leave for a minimum period of 12 weeks i.e. 8 weeks immediately following the day at the average rate of wages.

The Maternity benefit Act, 1961 applied to every establishment, is under the provision of Employees State Insurance Act, 1948. The qualifying period of services in Assam is 150 days. The Assam Act merely provides for free medical aid during the period of confinement subject to the provision that Maternity benefit shall be granted to women workers which will include a cash daily allowance and usual food concession during the period of 4 weeks preceding the day of delivery and for 8 weeks after the date of delivery.

Any woman, entitled to maternity benefit, may give notice of her expected confinement to her employer orally or in writing. On receipt of such a notice, the employer shall record it in writing and enter the particulars of each case in the register in Form ‘B’ appended to the Maternity Benefit Rules and record his remarks as to whether the claim is acceptable, and also the probable date of confinement after getting the woman examined medically, if necessary. The
An employer may not dismiss a woman during this period for which she is entitled to be absent from work under the provision of the Act, and if a notice of dismissal is given without sufficient cause within a period of six (6) months before she delivery, she shall be entitled to maternity benefits.

No employer shall knowingly employ a woman in any employment during the four weeks preceding the day of her delivery, save upon such light works as may be recommended by the attending Medical Officer.