

Shri P. P. Ghosh, Secy. to Govt.

Annexure—'I'

LABOUR DEPARTMENT

NOTIFICATION

No. 5629-G.E.—22nd November 1956.—In exercise of the powers conferred by sections 5, 10, 11 and sub-section (3) of section 12, and sections 13, 14, 16, 17, 20, 32 and 43 of the Plantations Labour Act, 1951 (LXIX of 1951), the Governor is pleased to make, with the previous approval of the Central Government as required by sub-section (3) of section 43 of the said Act, and after previous publications, as required by sub-section (1) of section 43 of the said Act, the following rules, namely :—

RULES

CHAPTER I

Preliminary

1. **Short title, extent and commencement** : (1) These rules may be called the "West Bengal Plantations Labour Rules, 1956".

(2) These rules shall extend to the whole of West Bengal.

(3) These rules, except rules 15 to 20 (both inclusive) and 33 to 46 (both inclusive) shall come into force at once. Rules 15 to 20 (both inclusive) and 33 to 46 (both inclusive) shall come into force in respect of any plantation or group of plantations on such date or dates as the State Government may, by notification in the Official Gazette, appoint.

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

- (a) the "Act" means the Plantation Labour Act, 1951 (Act LXIX of 1951);
- (b) "form" means a form appended to these rules;
- (c) "health officer" means the Municipal Health Officer, District Health Officer or such other official as may be appointed by the State Government in that behalf;
- (d) "inspector" means an officer appointed under section 4 of the Act and includes the "Chief Inspector";
- (e) "maintained" mean maintained in an efficient state, in efficient working order and in good repair;

- (f) "public health authority" means the local Health Officer having jurisdiction over the area;
- (g) "section" means a section of the Act;
- (h) all the 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 photograph any non-adult worker;
- (ii) 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;
- (iii) to prosecute, conduct or defend before a court any complaint or other proceeding arising under the Act;
- (iv) to require an employer to supply or send any return or information relating to the provisions of the Act;
- (v) to satisfy himself at each inspection that—
 - (a) the provisions of the Act and the rules regarding the health and welfare of workers employed in the plantation are observed;
 - (b) the adolescents and children employed in the plantation have been granted certificates of fitness and that no adolescent or child is employed who is unfit;
 - (c) the prescribed registers are properly maintained;
 - (d) the periods of rest and holidays provided by the Act are granted and that the limits of hours of work laid down therein are not exceeded;
 - (e) the notice of period of work required under section 23 of the Act is duly affixed;
 - (f) leave with wages, or sickness and maternity benefits are granted in accordance with the provisions of the Act and the rules;

- (vi) 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
- (vii) 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. Qualifications of the Chief Inspector and Inspector of Plantation : (i) The Labour Commissioner, West Bengal, shall be the ex-officio Chief Inspector of Plantations :*

Provided that when the Labour Commissioner goes on leave or when his post remains vacant, the Additional Labour Commissioner, West Bengal, shall act as the ex officio Chief Inspector of Plantations.**

(ii) Officers of the Government of West Bengal, who are appointed as Deputy Labour Commissioner, Assistant Labour Commissioner or Labour Officer or Inspector of Factories or Medical Inspector of Factories, may be appointed as Inspector of Plantations.*

5. Every order passed under the Act, or under these 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.

6. Duties of Certifying Surgeons : (1) For purposes of the examination and certification of young persons who wish to obtain certificates of fitness, the Certifying Surgeon shall fix a suitable time and place in consultation with the employer, for the attendance of such persons before the expiry of one month from the date of application, and shall give previous notice in writing thereof to the employers of the plantations situated within the local limits assigned to him.

(2) Every Certifying Surgeon shall keep bound books containing certificates in Form No. 1 respectively in foil and counterfoil. In each book, the form shall be numbered consecutively and shall be printed on cloth-backed or other durable paper. The foil and counterfoil shall be filled in and either the signature or the left thumb mark of the person to whom 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 the person examined. The foil so delivered shall be the certificate of fitness granted under section 27. All

* Amended by Notification No. 5892, dated 10th November 1959.

** Amended by Notification No. 350-LW, dated 29th March 1972.

* Amended by Notification No. detailing No. 5892, dated 10th November 1959.