



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
LABOUR WELFARE DEPARTMENT

NOTIFICATION

The 10th October, 2018

No. GLR(RC) 49/2016/21.- Where as the draft of certain Rules further to amend the Assam Plantations Labour Rules 1956, hereinafter referred to as the principal Rules which the Governor of Assam proposes to make, in supersession of the earlier Gazette Notification No.GLR(RC)109/2010/16, dated 12-10-2011, except as respects the things done or omitted to be done before such supersession, were published as required under sub-section (1) of section 43 of the Plantations Labour Act, 1951 (Central Act No. 69 of 1951) in the Assam Gazette, Extraordinary No. 97 dtd. 3rd March, 2018 inviting objections or suggestions from all persons likely to be affected thereby, before the expiry of a period of six weeks from the date of publication of the said Notification in the Official Gazette.

And whereas no objections or suggestions were received by the Governor from any person in respect of the draft rules before the expiry of the specified period.

Now, therefore, in exercise of the power conferred by section 18 B and sub-section (1) of section 43 of the Plantations Labour Act, 1951 (Central Act No. 69 of 1951), the Governor of Assam is hereby pleased to make the following rules further to amend the principal Rules after having been published previously as mentioned hereinabove, namely :-

Short title and commencement	1	<p>(1) These rules may be called the Assam Plantations Labour (Amendment) Rules, 2018.</p> <p>(2) They shall come into force on the date of their publication in the Official Gazette.</p>
Insertion of Chapter IV A	2	In the principal Rules, after chapter IV, the following new chapter IV- A shall be inserted, namely:-

CHAPTER -IV A

71. A Eligibility for employment :- No persons who has not attained 18 years of age and no women shall be employed or permitted to be employed in use, handling, spraying, storage and transport of insecticides chemicals and toxic substances in the tea gardens.

71. B Medical examination :-

- (1) Every person who is to be engaged in connection with the works of use, handling, spraying, storage and transportation of insecticides, chemicals and toxic substances shall be examined by a qualified medical practitioner before his engagement and within 15 days by a certifying surgeon appointed under the Plantations Labour Act, 1951. Such medical examination shall include, appropriate tests that is necessary for assessment of his health status.
- (2) The employers of a tea estate shall appoint at least one person designated as Chemical Supervisor, having minimum qualification of Higher Secondary (pass) with Chemistry as one of the subjects and duly trained in handling, use and storage of insecticides, chemicals and toxic substances with additional qualification on first aid measures to supervise the use of such substances in the plantations.
- (3) There shall be compulsory medical check-up of each worker engaged for the purpose at an interval of not more than 90 days by a certifying surgeon appointed under the Plantations Labour Act, 1951.
- (4) Every employer shall ensure that every worker in the plantation employed for handling, mixing blending and applying insecticides, chemicals and toxic substances is trained thoroughly about the possible hazards involved in the operation in which he is engaged, the various safety measures and safe works practices to be adopted in emergencies arising from spillage of such insecticides,

chemicals and toxic substances which may lead to contamination of lungs, skin, eyes and other parts of the body through inhalation, swallowing etc. The employers shall also ensure through repeated periodic instruction for safety measures and safe working practices in works related to use, handling, mixing, blending, storage and applying of such substances.

- (5) Any worker showing symptom of poisoning shall be immediately examined and given proper medical treatment.
- (6) The employers shall report immediately to the certifying surgeon declared under the Plantations Labour Act, 1951 of any accident caused due to use, handling, mixing, blending, storage and transportation of such substances.
- (7) Every employer shall maintain health record of every worker who is exposed to insecticides, chemicals and toxic substances in Form No. 20 (Annexure-A) and every affected worker shall have access to the record. The record shall also be presented before the Certifying Surgeon notified under the Plantations Labour Act, 1951, as well as before the Assistant Labour Commissioner of the area. The same shall also be presented before any Inspector declared under the Act having jurisdiction over the area where the plantation is located, if asked for either orally or in writing on his visit to the plantation or within 3 months at his office, whichever is earlier.

71. C. Washing Facilities and Cloak Room :-

- (1) The washing, bathing and cloakroom facilities to be prescribed under clause (a) of sub-section (7) of Section 18A of the Plantations Labour Act, 1951 (Act No 69 of 1951) shall be provided in the following manner :-

There shall be provided and maintained in a cleanly state and in good repair for the use of all persons employed :-

- (a) a trough with a smooth impervious surface fitted with a waste pipe with plug, and of sufficient length to allow at least two feet for every ten persons employed at any one time, and having a constant supply of water from taps or jets above the trough at intervals of not more than two feet; or
- (b) at least one wash basin for every ten such persons employed at any one time, fitted with a waste pipe and plug and having a constant supply of water together with, in either case, a sufficient supply of nail brushes, soap or other suitable cleansing materials and clean towels changed daily; and

- (c) suitable accommodation for clothing not worn during working hours with adequate arrangement for drying the clothing if wet. The accommodation so provided shall be placed under the charge of a responsible person.
- (2) No food, drink or eatables including pan, supari or tobacco shall be brought into or consumed by any worker either at the work place or at the washrooms.

71. D. Precautionary Notice:-

Every employer shall exhibit precautionary notice indicating the hazards of insecticides, chemicals and toxic substances in the vicinity of the work place, printed/typed in the language of the majority of the workers and shall be affixed in a prominent place where it could be easily seen and conveniently read by the workers.

71. E. First Aid Measures :-

In all cases of poisoning, first-aid treatment shall always be given before the physician is called. The Indian Standard Guide for handling cases of pesticide poisoning Part 1, First Aid Measure [I.S.4015 (part II)- 1967] shall be consulted for such first-aid treatment in addition to any other book on the subject. The workers shall also be educated on the effects on poisoning and the first-aid treatment to be given.

71. F. Protective Clothing:-

- (1) Every worker handling insecticides during transport or application shall be adequately protected with appropriate clothing.
- (2) The protective clothing shall be used wherever necessary in conjunction with appropriate respiratory devices for preventing inhalation of toxic dusts, vapours or gases.
- (3) No worker shall be allowed to dilute chemical solutions to be used for spraying nor allowed to spray without using gauntlets, dust-proof hats, hood goggles, knee length, polythene apron, rubber gloves, rubber boots (gum boots) with socks, nose-mask or bleached kerchief to cover nose and mouth.
- (4) Lenses of goggles shall be of good quality.
- (5) Rubber or rag-pad shall be used on the back to minimise the jerking of spraying machine.
- (6) Every worker engaged in spraying shall be provided with a bar of washing soap every fortnight.
- (7) The equipment used for spraying as well as protective clothing and other equipment shall be maintained properly and replaced immediately whenever necessary.

71. G. Provision of change of batch used in spraying :-

Workers engaged in spraying work shall be changed and replaced by other batches of workers after they have worked for a period of three months.

71. H. Disposal of used packages surplus materials and washings of insecticides :-

- (1) It shall be the duty of employers and operators to dispose packages or surplus materials and washing of insecticides, chemicals and other toxic substances in a safe manner so as to prevent environmental or water pollution.
- (2) The used packages shall not be left outside to prevent their-re-use.
- (3) The packages shall be broken and buried away from human habitation.

FORM NO. 20
[SEE Rule 71-B (7)]
REGISTER OF HEALTH
(IN CASE OF INCIDENCE DUE TO HANDLING OF INSECTICIDES, CHEMICALS OR TOXIC SUBSTANCES)

Sl. No.	Date & Time of incidence	Nature of incidence	Name of the person(s) affected	Status (permanent/ Temporary)	Age	Name of wife / Dependent	Brief narration of how the incident occurred	Medical diagnosis	The hour and date on which the worker resumed work	In case of death, the date and hour of death	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

A. TEWARI,
Principal Secretary to the Government of Assam,
Labour Welfare Department.