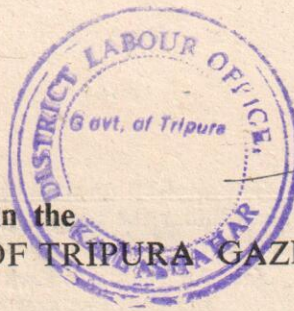


R. SARKAR
Labour Inspector
Udaipur, Tripura (G).



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GOVERNMENT OF TRIPURA
DEPARTMENT OF LABOUR

No.F.90(3)-LAB/PL/81/4091.

Dated, Agartala, the 29th October, 1984.

NOTIFICATION

In exercise of the power conferred by sub-section (1) of Section—43 of the Plantations Labour Act, 1951 (Act No. 69 of 1951), the State Government with the previous approval of the Central Government hereby make the following Rules to amend the 'Tripura Plantations Labour Rules 1954', the same having already been published in the Tripura Gazette. Extra-ordinary issue dated 26th June, 1984 inviting objections and suggestions as required.

R. N. CHAKRABORTY
Commissioner-Cum-Secretary,
Government of Tripura.

RULES

1. (1) These Rules may be called "The Tripura Plantation Labour (Amendment) Rules, 1984".
(2) They shall come into force on and from the date of publication in the official gazette.
2. In the Tripura Plantation Labour Rules, 1954 (hereinafter called the principal rules), after clause (f) the following shall be inserted, namely :
(ff)—"Registering Officer" means the Registering Officer appointed under Section 3A of the Act.
(fff)—"Schedule" means the schedule appended to these rules.
3. After Chapter I of the principal rules, the following Chapter shall be inserted, namely :—

CHAPTER—IA

Procedure for Registration of Plantation.

- 2A. (1) Mode of application for registration of a plantation—The application for registration of plantation under Section 3B shall be made in form 1-A and addressed to the Registering Officer.

(2) The application shall be accompanied by Treasury Challan showing payment of fees under the proper Head of Account "Fees realised under the Plantation Labour Act" as specified below :—

- | | |
|--|------------|
| (a) for plantation with an area of ten or less than ten hectares of land— | Rs. 50.00 |
| (b) for plantation with an area of more than 10 hectares, but not more than 20 hectares of land— | Rs. 100.00 |
| (c) for plantation with an area of more than 20 hectares of land— | Rs. 200.00 |

(3) The application shall be delivered in the office of the Registering Officer by hand or by registered post.

2B. Issued of certificate of Registration—When a plantation is registered under Section 3B, the Registering Officer shall issue a certificate of Registration in Form 1-B to the employer.

2C. The Registering Officer shall maintain a register of plantation in Form I-C and shall enter in it the particulars of every plantation registered by him. :

Provided that for each plantation, a separate page shall be used.

2D. (1) Intimation of changes of particulars of a plantation after registration—Changes which occurs in the ownership of management or in the extent of the area of other particulars in respect of a plantation after registration thereof shall be intimated by the employer in Form ID to the Registering Officer within a period of thirty days from the date when such changes occurred.

(2) On receipt of intimation of changes referred to in sub-rule (1) in respect of any plantation, the Registering Officer shall enter such changes in the register of plantation maintained under Rule 2C and shall also make subsequential changes wherever necessary in the Certificate of Registration over his signature.

Provided that where there is a change in the ownership of plantation, the employer shall be required to make fresh application for registration of the plantation under Rule 2A and the procedure laid down in that Rule and Rule 2C shall apply in relation to such application.

2E. (1) Before making any order under sub-section (6) of Section 2B cancelling the registration of a plantation, the Registering Officer may make such inquiry as he considers necessary :

Provided that no order under sub-section (6) of Section 3B shall be made by the Registering Officer without giving the employer an opportunity of being heard.

(2) The Registering Officer shall furnish a certified copy of the order referred to in sub-rule (1) to the employer free of cost.

2F. (1) An appeal under section 3C against an order passed by the Registering Officer under sub-section (3) of Section 3B shall lie to the Labour Commissioner, Government of Tripura.

(2) Every appeal under sub-section (1) of Section 2C shall be preferred in the form of Memorandum signed by the appellant or his authorised agent and presented to the appellate authority in person or through authorised agent or sent to the appellate authority by registered post.

(3) The Memorandum shall set forth concisely and under distinct Heads the ground of appeal against the order appealed from and shall be accompanied by a certified copy of the order.

(4) No appeal shall be entertained unless a fee of Rs. 25/- has been deposited in the Treasury or Sub-Treasury in Tripura under proper Head of Account. Fees realised under the Plantations Labour Act, and the Memorandum of Appeal is accompanied by the challan showing such deposit.

(5) The appellate authority shall maintain or cause to be maintained a register of appeals in Form I-E and the particulars of every appeal preferred under sub-section (1) of Section 3C shall be entered in the register.

(6) Where the Memorandum of appeal does not comply with the requirements specified under sub-rule (2), (3) and (4), it may be rejected by the appellate authority or in a fit case, returned to the appellant for the purpose of refileing it within a specified date after removing the defects.

(7) Where the appellate authority rejects a Memorandum of Appeal under sub-rule (5) or on the ground of limitation, he shall record the reasons for such rejection and furnish a copy of the order to the appellant free of cost.

(8) Where the Memorandum of Appeal fulfils the requirements specified above and is not barred by limitation, or if barred by limitation, delay condoned, the appellate authority shall admit the appeal.

(9) Where the appeal has been admitted, the appellate authority shall send notice of appeal to the Registering Officer against where order the appeal has been preferred and the Registering Officer shall send the record of the case to the appellate authority.

(10) On receipt of the records, the appellate authority shall send a notice to the appellant and Registering Officer to appear before him on such date and at such time as may be specified in the notice for hearing of the appeal.

(11) If on the date fixed for hearing of the appeal, the appellant does not appear, the appellate authority may dismiss the appeal for default of the appellant unless the appellate authority chooses to decide the appeal *ex parte* on merits.

(12) Where an appeal has been dismissed for default under sub-rule (11), the appellant may apply to the appellate authority for readmission of the appeal and where it is proved that he was prevented by sufficient cause from appearing when the appeal was called on for hearing, the appellate authority may resotre the appeal to its original number and shall hear the appeal on the date to be fixed for the purpose.

(13) An application under sub-rule (12) for restoration of appeal shall not be entertained unless filed within 30 days of the date of dismissal of the appeal for default ;

Provided that if good and sufficient reasons are shown, the appellate authority may extend the period of thirty days for making such application.

(14) If the appellant is present when the appeal is called on for hearing, the appellate authority shall hear the appellant or his authorised agent, Registering Officer and any other person whom the appellate authority may summon for the purpose and shall pronounce the judgement either confirming or reversing or modifying the order appealed against.

(15) The judgement of the appellate authority shall contain a brief statement of facts, the points for determination, the decision thereon and the reasons for such decisions.

(16) The order passed by the appellate authority shall be final.

(17) The appellate authority shall cause a copy of the judgement and order passed by him sent to the Registering Officer from whose order, the appeal was preferred. A copy of the judgement and order passed in appeal shall also be furnished to the appellant free of cost.

4. After Rule 63 of the principal rules, the following rules shall be inserted, namely :—

53A—Qualifications for appointment of Commissioner—

Any member of the All India Service serving under State Government or any member of the Tripura Civil Service, Grade-I shall be qualified to be appointed as Commissioner to determine the amount of compensation payable under Section 16A.

53B. (1) Form of application for compensation—

An application for payment of compensation under Section 16A shall be made in Form 5A.

(2) The application under sub-rule (1) shall be accompanied by as many copies thereof as may be required for service upon the employer or as the case may be, employers.

53C. (1) For determining the amount of compensation payable under Section 16A, the provisions of the Workmen's Compensation Act, 1923 (Act VIII of 1923) and the Tripura Workmen's Compensation Rules, 1952 shall *mutatis mutandis* to the proceedings before the Commissioner to the extent such provision are consistent with the provisions of the Act and these rules.

(2) If in any proceeding for determination of any claim for compensation payable under Section 16A, the Commissioner considers that for a just decision of the matter in issue, the assistance of one or more persons possessing special knowledge of any matter relating to the inquiry is necessary, the Commissioner may choose such person or persons to assist him in such manner as he deems fit.

53D. (1) The amount of compensation awarded under section 16A shall be deposited by the employer with the Commissioner appointed under Section 16B read with Rules 53A.

(2) The amount of compensation awarded under section 16A may, on receipt of a certificate from the Commissioner, be recovered as arrears of land revenue under the provisions of the Tripura Land Revenue and Land Reforms Act, 1960 (43 of 1960).

5. After rule 82 of the principal rules, the following shall be inserted, namely :—

82A. (1) Form of notice of accident—When an accident of the nature specified in Section 32A or described in the schedule occurs, the employer shall—

(i) send intimation thereof forthwith by special messenger or by telegram or through telephone to the Labour Inspector in whose jurisdiction the accident has occurred ; and

(ii) send notice of such accident in Form 7A by registered post to the Commissioner appointed under Section 16B within seven days from the date of the accident.

Provided that if the accident causes death or is likely to cause deaths, the employer shall also send intimation thereof to the Chief Inspector of Plantation and the officer-in-charge of the nearest Police Station by special messenger or telegram or, through telephone immediately after the death or as the case may be, the accident.

82B. (1) Form of register of accident—

Every employer shall maintain a register of accidents in Form 7-B.

(2) The particulars of all accidents which occur in a plantation shall be entered by the employer in the register maintained under sub-rule (1).

FORM—IA

(See Rule—2A)

APPLICATION FOR REGISTRATION OF PLANTATION

1. Name of the location of the Plantation :—
2. Postal address of the Plantation :—
3. Full name and address of the employer with father's/ husband's name in case of individuals :—
4. Name and address of the Manager or person responsible for the supervision and control of the Plantation :—
5. Full name and address of the manager or person responsible for the supervision and control of the Plantation :—
6. Maximum number of workers employed in Plantation on any day preceding last twelve months :—
7. Particulars of challan by which fees have been deposited :—

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

Employer
Seal and Stamp.

Date of receipt of application.

FORM—IB
(See Rule 2B)

CERTIFICATE OF REGISTRATION

Dated.....19.....

GOVERNMENT OF TRIPURA
OFFICE OF THE REGISTERING OFFICER

A certificate of registration containing the following particulars is hereby granted under sub-section (3) of Section 3 of the Plantation Labour (Amendment) Act, 1981 and the Rules made thereunder to.....

1. Name and location of the Plantation :—
2. Postal address of the Plantation :—
3. Name of the employer :—
4. Maximum number of workers employed on any day preceding twelve months :—

Signature of the Registering
Officer with Seal.

FORM—IC
(See rule 2 C)
Register of Plantations

Sl. No.	Registration No. and date.	Name, address of the Plantation	Name of the employer.	Maximum number of workers employed on any day preceding twelve months.	Amount of fees deposited	Remarks
1	2	3	4	5	6	7

FORM—ID
(See Rule 2D)

1. Name and address of the Plantation :—
2. Registration No. and date of the Plantation :—
3. Name of the employer :—
4. Nature of change is to be made in the certificate of Registration :—
5. Reasons for change :—

Dated.....

Signature of the employer or
his authorities agents.

FORM—1 E
(See Rule 2F (5))
Registrar of appeals

Sl. No.	Name and address of the plantation	Date of filing appeals	Date & nature of decision	Amendment made or appeal, if any	Remark
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FORM NO. 5A.
(See Section 16A and Rule 53B(1))
APPLICATION FOR COMPENSATION

To

The Commissioner for Compensation,

.....

..... residing at

Applicant

Versus

residing at.....

It is hereby submitted that —

1) The applicant is a worker/family member ofthe worker employed by the opposite party on the.....dayof 19.....died/receive injury as a result of collapse of a house provided under Section 15 of the Act.

2) The applicant/injured namely :—

3) (a) Notice of accident was served on the.....day of.....19.....

(b) Notice of accident was served as soon as practicable ;

(c) Notice of the accident was not served (in due time) by reasons offor the following reasons ;

You are, therefore, requested to determine the following questions, namely :—

(i) Whether the applicant/injured/victim has suffered any injury or died.

(ii) Whether the death/injury was caused as a result of the collapse of the house provided under Section 15 ;

(iii) Whether the amount of compensation claimed is due ;

(iv) To what extent the opposite party is liable to pay the compensation ;...

(v)

(vi)

Signature of the applicant.

Dated,.....

FORM 6-A
NOTICE OF ACCIDENT
(See Rule 81-A(i)(ii))

1. Name of the employer :—
2. Address of work where accident occurred :—
3. Exact place where the accident occurred :—
4. Injured persons :—
 - (a) Name :—
 - (b) Parentage :—
 - (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 :—
 - (i) 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)
 - (c) State exactly what injured person was doing at the time
8. Nature and extent of injuries (e.g. fatal, loss of finger, fractures of leg, scaled, scratch followed by septic) :—
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 knowledge and belief the above particulars are correct in every respect.

Signature of occupier of manager.....

Date of despatch of report

FORM-6B
(See rule 82 (B)(1))

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							

SCHEDULE-I
See Section 32 A and Rule 82A(1)(i)

LIST OF INJURIES

(To be incorporated by the administrative Department to carry out their intention)

1. Accident causing total or partial disablement or disfiguration.
2. Any other type of accident which may be added to the Schedule by the Govt. of Tripura by notification in the official gazette.