APPENDIX I

THE PLANTATIONS LABOUR ACT, 1951
Provisions Applicable to Women Workers in Plantations

CHAPTER III
PROVISIONS AS TO HEALTH

8. Drinking Water:
   In every plantation effective arrangements shall be made by the employer to provide and maintain at convenient places in the plantation a sufficient supply of wholesome drinking water for all workers.

9. Conservancy:
   (1) There shall be provided separately for males and females in every plantation a sufficient number of latrines and urinals of prescribed types so situated as to be convenient and accessible to workers employed therein.
   (2) All latrines and urinals provided under sub-section (1) shall be maintained in a clean and sanitary condition.

10. Medical facilities:
   (1) In every plantation there shall be provided and maintained so as to be readily available such medical facilities for the workers [and their families] as may be prescribed by the State Government.
   (2) If in any plantation medical facilities are not provided and maintained as required by sub-section(1) the Chief inspector may cause to be provided and maintained therein such medical facilities, and recover the cost thereof from the defaulting employer.

* Inserted by Act 34 of 1960 w.e.f. 21-11-1960.
(3) For the purpose of such recovery the Chief inspector may certify the costs to be recovered to the collector, who may recover the amount as an arrear of land revenue.

CHAPTER IV
WELFARE

11. Canteens:
(1) The State Government may take rules requiring that in every plantation wherein one hundred and fifty workers are ordinarily employed, one or more canteens shall be provided and maintained by the employer for the use of the workers.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for:

(a) the date by which the canteen shall be provided;

(b) the number of canteens that shall be provided and the standards in respect of construction, accommodation, furniture and other equipment of the canteens;

(c) the foodstuffs which may be served therein and the charges which may be made thereof;

(d) the constitution of a managing committee for the canteen and the representation of the workers in the management of the canteen;

(e) the delegation to the chief inspector, subject to such conditions as may be prescribed, of the power to make rules under clause (c).
12. Creches:

(1) In every plantation wherein fifty or more women workers (including women workers employed by any contractor) are employed or were employed on any day of the preceding twelve months, or where the number of children of women workers (including women workers employed by any contractor) is twenty or more, there shall be provided and maintained by the employer suitable rooms for the use of children of such women workers.

13. Recreational facilities:

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.

14. Educational facilities:

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.

15. Housing facilities:

It shall be the duty of every employer to provide and maintain necessary housing accommodation,

(a) For every worker (including his family) residing in the plantations;

(b) For every worker (including his family) residing outside the plantation, who has put in six months of continuous service in such

* Sub. by Act 58 of 1981 (w.e.f. 26-1-1982).
plantedation and who has expressed a desire in writing, to residing in the plantation.

16. Power to make rules relating to housing:

The State Government may make rules for the purposes of giving effect to the provisions of section 15 and in particular providing for:

(a) the standard and specification of the accommodation to be provided;

(b) the selection and preparation of sites for the construction of houses and the size of such plot;

(c) the constitution of advisory boards consisting of representatives of the State Government, the employer and the workers for consultation in regard to matters connected with housing and the exercise by them of such powers, functions, and duties in relation thereto as may be specified;

(d) the fixing of rent, if any, for the housing accommodation provided for workers;

(e) the allotment to workers and their families of housing accommodation and of suitable strips of vacant land adjoining such accommodation for the purpose of maintaining kitchen gardens and for the eviction of workers and their families from such accommodation;

(f) access to the public to those parts of the plantation wherein the workers are housed.

17. Other facilities:

The State Government may make rules requiring that in every plantation the employer shall provide the workers with such number and type of umbrellas, blankets, rain coats or other amenities for the protection of workers from rain or cold as may be prescribed.
18. Welfare officers:

(1) In every plantation wherein three hundred or more workers are ordinarily employed, the employer shall employ such number of welfare officers, as may be prescribed.

Provided that before appointing welfare officers under this subsection, the employer shall be given an opportunity of being heard.

(2) The State Government may prescribe the duties, qualifications and conditions of service of officers employed under subsection (1).

*18-A. Chief Inspector to provide facilities on default by employer:

(1) If in any plantation, facilities are not provided or maintained by the employer as required by sections 8, 9, 12, 14, 15 or 17, the chief inspector may cause to be provided or maintained therein such facilities and recover the cost thereof from the defaulting employer:

Provided that before providing or maintaining such facilities the employer shall be given an opportunity of being heard.

(2) For the purpose of all recovery of the cause under subsection (1), the chief inspector may certify the amount to be recovered to the collector, who may thereupon recover such amount as an arrear of land revenue.

CHAPTER V
HOURS AND LIMITATION OF EMPLOYMENT

19. Weekly Hours

(1) Save as otherwise expressly provided in this act, no adult worker shall be required or allowed to work on any plantation in excess of [forty-eight hours]* a week and no adolescent or child for more than [twenty-seven hours]** a week.

(2)** Where an adult worker works in any plantation on any day in excess of the number of hours constituting a normal working day or for more than forty-eight hours in any week, he shall, in respect of such overtime work, be entitled to twice the wage of ordinary wages.

Provided that no such worker shall be allowed to work for more than nine hours on any day and more than fifty-four hours in any week.

(3) For any work done on any closed holiday in the plantation or on any day of rest, a worker shall be entitled to twice the rate of ordinary wages as in the case of overtime work.

20. Weekly holidays:

(1) The State Government may, by rules made in this behalf:

(a) provide for a day of rest in every period of seven days which shall be allowed to all workers;

*[(b) provide for the conditions subject to which, and the circumstances in which, an adult worker may be required or allowed to work overtime.]

* Subs. by Act 58 of 1981 (w.e.f. 26-1-1982) for the words “fifty four hours”.
** Subs. by Act 58 of 1981 (w.e.f. 26-1-1982) for the words “forty hours”.
*** Ins. by Act 58 of 1981 (w.e.f. 26-1-1982).
(2) Notwithstanding anything in clause (a) of sub-section (1) where a worker is willing to work on any day of rest which is not a closed holiday in the plantation, nothing contained in this section shall prevent him from doing so;

Provided that in doing so, a worker does not work for more than ten days consecutively without a holiday for a whole day intervening.

21. Daily intervals for rest:

The period of work on each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest for at least half an hour.

22. Spread-over:

The period of work of an adult worker in a plantation shall be so arranged that inclusive of his interval for rest, it shall not spread over more than twelve hours including the time spent in waiting for work on any day.

23. Notice of period of work:

(1) There shall be displayed and correctly maintained in every plantation a notice of periods of work in such form and manner as may be prescribed, showing clearly for every day, the periods during which the workers may be required to work.

(2) Subject to the other provisions contained in this Act, no worker shall be required or allowed to work in any plantation otherwise than in accordance with the notice of periods of work displayed in plantation.

(3) An employee may refuse to employ a worker for any day if on that day he turns up for work more than an hour after the time fixed for the commencement of the day’s work.

25. Night work for women and children:

Except with the permission of the State Government, no woman or child worker shall be employed in any plantation otherwise than between the hours of 6 a.m. and 7 p.m.

Provided that nothing in this section shall be deemed to apply to midwives and nurses employed as such in any plantation.

26. Non-adult workers to carry tokens:

No child and no adolescent shall be required or allowed to work in any plantation unless:

(a) a certificate of fitness granted with the reference to him under section 27 is in the custody of the employer; and

(b) such child or adolescent carries with him while he is at work a token giving reference to such certificate.

27. Certificate of fitness:

(1) A certifying surgeon shall, on the application of any young person or his parent or guardian accompanied by a document signed by the employer or any other person on his behalf that such person will be employed in the plantation if certified to be fit for work, or on the application of the employer or any other person on his behalf to reference intending to work, examine such person and ascertain his fitness for work either as a child or as an adolescent.

(2) A certificate of fitness granted under this section shall be valid for a person for a period of twelve months from the date thereof, but may be renewed.
Any fee payable for a certificate under this section shall be paid by the employer and shall not be recoverable from the young person, his parents or guardian.

28. Power to require medical examination:

    An inspector may, if he thinks necessary so to do, cause any young person employed in a plantation to be examined by a certifying surgeon.

CHAPTER VI
LEAVE WITH WAGES

29. Application of chapter:

    The provisions of this chapter shall not operate to the prejudice of any right to which a worker may be entitled under any other law or under the terms of any award, agreement, or contract of service.

    Provided that, where such award, agreement or contract of service provides for a longer leave with wages than provided in this chapter the worker shall be entitled only to such longer leave.

30. Annual leave with wages:

    (1) Every worker shall be allowed leave with wages for a number of days calculated at the rate of:

        (a) if an adult, one day for every twenty days of work performed by him and

        (b) if a young person, one day for every fifteen days of work performed by him.
31. Wages during leave period:

(1) For the leave allowed to a worker under section 30, he shall be paid,

(a) if employed wholly on a time-rate basis, at a rate equal to the daily wage payable to him immediately before the commencement of such leave under any law or under the terms of any award, agreement or contract of service, and

(b) in other cases, including cases where he is, during the preceding twelve calendar months, paid partly or on a time rate basis and partly on piece-rate basis, at the rate of average daily wage calculated over the preceding twelve calendar months.

32. Sickness and maternity benefits:

(1) Subject to any rules that may be made in this behalf, every worker shall be entitled to obtain from his employer in the case of sickness certified by a qualified medical practitioner, sickness allowance.

If a woman, in the case of confinement or expected confinement, maternity allowance, at such rate, for such period and at such intervals as may be prescribed

(2) The State Government may make rules regulating the payment of sickness allowance and any such rule may specify the circumstances in which such allowance shall not be payable or shall cease to be payable, and in framing any rules under this section the State Government shall have due regard to the medical certificate that may be provided by the employer in any plantation.

* Sub. by Act 34 of 1960 (w.e.f. 21-11-1960).
** Maternity Benefit Act, 1961 was enforced in Kerala w.e.f. 15-8-1970.
*** Ins. by Act 58 of 1981 (w.e.f. 26-1-1982).
*CHAPTER VI-A
ACCIDENTS

32-A. Notice of accidents:

Where in any plantation, an accident occurs which causes death or which causes any bodily injury to a worker by reason of which the worker injured is prevented from working for a period of forty-eight hours or more immediately following the accident, or which of such a nature as may be prescribed in this behalf, the employer shall send notice thereof to such authorities, in such form, and within such time, as may be prescribed.

32-B. Register of accidents:

The employer shall maintain a register of all accidents which occur in the plantation in such form and in such manner as may be prescribed.

CHAPTER VII
PENALTIES AND PROCEDURE

33. Obstruction:

(1) Whoever obstructs an inspector in the discharge of his duties under this Act or refuses or wilfully neglects to afford the inspector any reasonable facility for making any inspection, examination or inquiry authorized by or under this Act in relation to any plantation, shall be punishable to imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(2) Whoever wilfully refuses to produce on the demand of an inspector any register or other document kept in pursuance of this Act,

or prevents or attempts to prevent or does anything which he has reason to believe is likely to prevent any person from appearing before or being examined by an inspector acting in pursuance of his duties under this Act, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

34. Use of false certificate of fitness:

Whoever knowingly uses or attempts to use as a certificate of fitness granted to himself under section 27, a certificate granted to another person under that section, or having been granted a certificate of fitness to himself, knowingly allows it to be use, or allows an attempt to use it to be made by another person, shall be punishable with imprisonment which may extend to one month or with fine which may extend to fifty rupees, or with both.

35. Contravention of provisions regarding employment of labour:

Whoever except as otherwise permitted by or under this act, contravenes any provision of this act or any rules made thereunder, prohibiting, restricting, or regulating the employment of persons in a plantation, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

36. Other offences:

Whoever contravenes any of the provisions of this Act or of any rules thereunder for which no other penalty is elsewhere provided by or under this Act shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.
37. Enhanced penalty after previous conviction:

If any person who has been convicted of any offence punishable under this Act is again guilty of an offence involving a contravention of the same provision, he shall be punishable on a subsequent conviction with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both:

Provided that for the purposes of this section no cognizance shall be taken of any conviction made more than two years before the commission of the offence which is being punished.

* [37-A. Power of court to make orders.—(1) Where an employer is convicted of an offence punishable under Section 36, the court may, in addition to awarding any punishment, by order in writing, require him within such period as may be specified in the order to take such measures as may be so specified for remedying the matters in respect of which the offence was committed. (2) Where an order is made under sub-section (1), the employer shall not be liable under this Act in respect of the continuation of the offence during the period or extended period, as the case may be, specified by the court, but if, on the expiry of such period or extended period, the order of the court has not been fully complied with, the employer shall be deemed to have committed a further offence and he shall, on conviction, be punishable with imprisonment for a term which may extend to six months and with fine which may extend to three hundred rupees every day after such expiry.]

38. Exemption of employer from liability in certain cases:

Where an employer charged with an offence under this Act, alleges that another person is the actual offender, he shall be entitled

upon complaint made by him in this behalf to have, on giving to the prosecutor in this behalf three clear days' notice in writing of his intention so to do, that other person brought before the court on the day appointed for the hearing of the case and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the court that:

(a) he has used due diligence to enforce the execution of the relevant provisions of this Act; and

(b) that the other person committed the offence in question without his knowledge, consent or connivance, the said other person shall be convicted of the offence and shall be liable to the like punishment as if he were the employer and the employer shall be acquitted:

Provided that:

(a) the employer may be examined on oath and his evidence and that of any witness whom he calls in his support shall be subject to cross-examination on behalf of the person he charges to be the actual offender and by the prosecutor, and

(b) if, in spite of due diligence, the person alleged as the actual offender cannot be brought before the court on the day appointed for the hearing of the case, the court shall adjourn the hearing thereof from time to time so, however, that the total period of such adjournment does not exceed three months, and if, by the end of the said period, the person alleged as the actual offender cannot still be brought before the court, the court shall proceed to hear the case against the employer.
39. Cognizance of offences:

No court shall take cognizance of any offence under this Act except on complaint made by, or with the previous sanction in writing of, the Chief Inspector and no court inferior to that of a Presidency Magistrate or a Magistrate of the second class shall try any offence punishable under this Act.

40. Limitations of prosecutions:

No court shall take cognizance of an offence punishable under this Act unless the complaint thereof has been made or is made within three months from the date on which the alleged commission of the offence came to the knowledge of an inspector:

Provided that where the offence consists of disobeying a written order made by an inspector, complaint thereof may be made within six months of the date on which the offence is alleged to have been committed.

CHAPTER VIII
MISCELLANEOUS

41. Power to give directions:

The Central Government may give directions to the Government of any State as to the carrying into execution in the State of the provisions contained in this Act.

42. Power to exempt:

The State Government may, by order in writing, exempt, subject to such conditions and restrictions as it may think fit to impose, any employer or class of employers from all or any of the provisions of this Act.
43. General power to make rules:

(1) The State Government may, subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, any such rules may provide for

(a) the qualifications required in respect of the chief inspector and inspector;

(b) the powers which may be exercised by inspectors and the areas in which and the manner in which such powers may be exercised;

(c) the medical supervision which may be exercised by certifying surgeons;

(d) the examination by inspectors or other persons of the supply and distribution of drinking water in plantations;

(e) appeals from any order of the Chief inspector or inspector and the form in which, the time within which and the authorities to which, such appeals may be preferred;

(f) the time within which housing, recreational, educational or other facilities required by this Act to be provided and maintained may be so provided;

(g) the types of latrines and urinals that should be maintained in plantations;

(h) the medical, recreational and educational facilities that should be provided in plantations;

(i) the form and manner in which notices of period of work shall be displayed and maintained;

(j) the registers which should be maintained by employers and the return, whether occasional or periodical, as in the opinion of the State Government may be required for the purposes of this Act;
(k) the hours of work for a normal working day for the purpose of wages and overtime.

(3) All rules made under this Act shall, if made by any Government, other than the Central Government, be subjected to the previous approval of the Central Government.
APPENDIX II

THE KERALA PLANTATION LABOUR RULES, 1959
Provisions Applicable to Women Workers

CHAPTER II
THE INSPECTING STAFF
Rules prescribed under Section 7

5. Duties of certifying Surgeons:

(1) For purposes of the examinations and certification of young persons who wish to obtain certificates of fitness, the certifying Surgeons 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 suited within the local limits assigned to him.

(2) Every Certifying Surgeons shall keep bound books containing certificates in the prescribed form in two foils and a counterfoil.

(3) The certifying Surgeon shall maintain a register in form prescribed all fees paid for the issue of duplicate certificate 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 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 Surgeons shall hand over to the employer and Chief Inspector a note in the prescribed form detailing the result of each visit to the plantation.

(6) The Certifying Surgeon shall, upon request by the Chief Inspector carry out examination as he may indicate for any of plantation or class of plantations where young persons are, or are to be employed in any work which is likely to cause injury to their health.

(7) The employer shall display copies or a true translation of the notice received from the certifying Surgeon under sub-rule(1) above in the language understood by the majority of the workers at a prominent place at the office or factory and the muster, within 24 hours of the receipt of such notice.

(8) The employer shall provide for the purpose of any examination which the certifying surgeon wishes to conduct at the plantation(for his exclusive use on such occasion) a room which shall be properly cleaned and adequately ventilated and furnished with a screen, a table(with writing materials) and chairs.

6. If a qualified medical practitioner employed in a Garden or Group Hospital referred to in Chapter 3 is appointed to be a Certifying Surgeon, an appeal will lie against his finding to the civil surgeon of the area in which this plantation is situated.
CHAPTER III
HEALTH

Rules prescribed under Section 8

7. Drinking water:

An adequate supply of wholesome drinking water shall be made available in every plantation* [places convenient to the workers].

8. Source of supply:

The water provided for drinking shall be supplied from any convenient source approved by the Chief Inspector.

9. Storage of water:

If drinking water is not supplied from taps connected with 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 or 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 sterilized periodically as required by the inspector by written order, and the date on which sterilizing is carried out shall be recorded.

Provided that this requirement shall not apply to any such well or reservoir if the water therein 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 worker, and in every case to submit to the inspector a copy of such report as soon as it is received from the Health Officer.

*Rules prescribed under section 9*

12. Latrine Accommodation:

(a) Latrine accommodation shall be provided in every plantation on the scale of one latrine for every fifty acres of the area under cultivation or part thereof;

Provided that there shall be at least one latrine each for either sex.

(b) The latrine shall be conveniently situated and shall have exclusive access for either sex.

13. Latrine to conform to public Health requirements:

The latrine should conform to public health requirements and latrines other than those connected with an efficient water born 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 as to secure privacy and shall have proper door and fastenings.

15. Sign Boards to be Displayed:

Where workers of both sexes are employed, there shall be displayed outside each latrine of latrine block, a notice understood in the majority of the workers “For men only” or “For women only” as the case may be. The notice shall also bear the figure of a man or woman, as the case may be.

16. Water taps in latrines:

(a) Where piped water supply is available, 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. 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 effluent disposed of by connecting such drains with a suitable drainage line.

Provided that, where there is no such drainage line, the effluent shall be deodorized and rendered innocuous and then disposed of in a suitable manner to the satisfaction of Health Officer.
17A. Failure to provide and Maintain Certain Facilities:

(1) If in any plantation, the employer does not maintain and provide any or all of the facilities and amenities required to be provided under rules 7 to 10 or 12 to 17 the Chief Inspector shall issue notice to the employer requiring him to provide the facilities and amenities within 30 days of receipt of the notice. If no satisfactory reply is received or required facilities and amenities are not provided within the time specified, he may require the Chief Engineer, Public Health Engineering Department, in writing to arrange for the facilities and amenities provided according to the standards prescribed in the said rules at Government cost and send a certificate of cost incurred therefore to the Chief inspector.

(2) On receipt of certificate from the Chief Engineer, Public Health Engineering Department, the Chief Inspector shall require the employer in writing to remit the amount as certified by the Chief Engineer within a month, failing which, the Chief Inspector shall issue a certificate for the amount to the Collector who may recover the amount as an arrear of land revenue.

(3) The recurring expenditure, if any, incurred under sub-rule (1) shall be recovered in the manner specified in sub-rule (2).

Chapter III
MEDICAL FACILITIES
Rules Prescribed under Section 10

[32. Types of hospitals:

There shall be two types of hospitals in plantations, namely Garden Hospitals and Group Hospitals.

(i) Garden Hospitals will deal with out-patients, in-patients not requiring any elaborate diagnosis and treatment, infectious cases, midwifery, simply 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 shall not be used for routine treatment. Admission to the Group Hospitals shall only be on the recommendation of the Garden Hospital’s Doctors except in the case of emergency.

Provided that Group Hospitals may serve as Garden Hospitals for the plantations in which they are situated if there separate Garden Hospitals in these plantations.

33. Garden Hospitals:-

(1) Subject to the provisions of sub-rules (2) and (3) every employer shall, either-

(a) Provide a Garden Hospital in his plantation according to the standards laid down in these rules; or

(b) have a lien on bed in such hospitals in a neighbouring plantations or other hospitals 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 shall provide a dispensary with up to 5 detention bed 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 plantations or groups of plantations shall have a lien.

(2) A plantation employing 1,000 or more workers shall run its own Garden Hospital while plantations employing less than 1000 workers which are situated within reasonable distances from one another may with the approval of the Chief Inspector combine and provide joint hospitals and share their expenses. For this purpose, the plantations concerned shall submit to the Chief Inspector, particulars of scale of staff proposed to be employed, the equipments proposed to be provided, the location of joint hospitals, 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 but less than 1,000 workers shall run their own dispensary referred to in sub rule (1).

(3) In plantations where the number of workers employed is less than 200, first-aid box or a cupboard equipped with such contents as may be prescribed by the chief inspector shall be provided under the supervision
and care of a person trained in first-aid treatment, whose service shall be available during all hours. The employer shall also provide free medical aid to the workers and their families by arrangement with the nearest available hospital/dispensaries similar to the facilities available to the other plantation workers.

(4) Not withstanding anything contained in sub-rule (1) to (3), plantations, employing 200 or less workers so situated as not to be within a distance of 8 km. from the reach of a hospital/dispensary with a minimum of one detention bed if the number of workers exceed 100 and one more bed if the number of workers exceeded 100 under the immediate care of a full time qualified compounder but supervised and visited thrice a week by the nearest Medical Officer.

(5) Each Garden Hospital shall be under a qualified medical practitioner assisted by a qualified compounder, one trained nurse, trained midwife and a helper (nursing orderly). If a higher trained nurse is available, additional midwife shall not be necessary. The service of the staff shall be readily available during all hours.

Provided that in the case of doctors, compounders, nurses and midwives employed in plantations at the commencements of these rules who are not qualified, government may grant exemption from possessing the qualifications prescribed for them on the recommendation of the Chief Inspector in consultation with the concerned District Medical Officers.

(6) Additional medical and auxiliary personnel shall be appointed according to the following scales:
Qualified Medical Practitioners - 1 for every additional 2000 workers.

Compounders - 1 for every additional 1750 workers.

Trained nurse - 1 for every additional 1750 workers.

Trained midwife - 1 for every additional 1750 workers.

Helper (Nursing orderly) (male or female) - 1 for every additional 700 workers.

34. Group Hospitals-

(1) In order to provide in-patient treatments which are not available in the Garden Hospital, the planters should join together through trust or other institutional device and provide joint Group Hospital sharing the expenses proportionate to the number of workers or such facilities exist.

(2) Plans for the establishment of Group Hospitals containing details as regard to their location and size, areas of plantations served, the number of workers employed thereon etc. shall be approved by the state government.

(3) Every Group Hospital shall have a minimum of 100 beds and there shall be at least three beds per 700 workers, every bed having 60 sq.ft. of floor space:

Provided that the state government may fix a lesser number of beds to be provided in a Group Hospital and exempt a group of plantations from providing a group Hospitals if it is satisfied that adequate alternative arrangement 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 Hospital shall be built according to such specifications as may be approved by the state government.

(5) There shall be provision for supply of pure piped water, electricity, the 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 state government or an officer authorised by them, suitable alternative arrangements which are no less beneficial than have been envisaged may be made in regard to supply of pure water, electricity and modern methods of sanitation.

(6) Each Hospital shall have provision for:

Operation theatre, X-ray, Physiotherapy, Labour rooms, facility for treatment of VD, TB and dental disease, consulting and examination room, Clinical laboratory of satisfactory standard, office room and stores for linen as well as medicine, lavatory and bath rooms and kitchen (fly proof). The out-patient block consisting of examination room, office etc. should preferably be at some distance from the wards. Separate wards shall be provided for males, females, maternity cases and small isolated wards for infectious diseases.

Provided that X-ray and Physiotherapy 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) Every Group Hospital shall have such medical and other staff as may be specified by the State Government from time to time. All medical officers in a Group Hospital shall be qualified medical practitioners.
(8) A properly equipped ambulance shall be maintained in every Group Hospital for the use of seriously ill patients free of charge. Where however the maintenance of an ambulance is too costly for a Group Hospital, such Group Hospital shall make free suitable transport arrangements for transport of seriously ill patients.

35. Equipments and Drugs:

(a) Every Dispensary, Garden Hospital and Group Hospital shall maintain such equipments and drugs, as may be specified by the state Government.

(b) A medical officer not below the rank of an assistant Surgeon nominated by the district Medical officer shall visit the Dispensaries, Garden Hospital and Group Hospitals at least once a year to see whether they are sufficiently equipped and stocked with drugs and send a report to the management and Chief Inspector.

36. Medical records:

The medical officer in charge of each dispensary, Garden Hospital or Group Hospital shall

(a) maintain such registers, books, accounts and medical records in respect of every patients as may be prescribed by the state Government; and

(b) comply with such regulations as may be prescribed by the state Government in respect of medical stores.
37. **Standard of Medical facilities.**

(a) **Out-patient treatment**

The out-patient treatment 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 maternity and sickness benefits claimed.

(b) **In-patient treatment:** The hospital treatment shall include maintenance, food and medicine including treatment at confinement.

Provided that the facilities mentioned in these rules shall be free of cost to the workers and their families and shall be paid for by the plantations;

Provided further that the charges for the food supplied may be levied and be paid for by the concerned workers in accordance with the existing government orders.

38. **Submission of schemes for the provision of medical facilities and Progress report:**

(1) Before the 1st January, 1977, every employer shall submit to the Central as well as the State Government for approval, a scheme for providing medical facilities according to the prescribed standards. The
schemes 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 scheme approved by the Government.

(2) Every employer shall furnish to the state Government reports in such form as has been prescribed, by the 31st January and 31st July every year to show progress made in providing medical facilities according to the approved scheme.

39. Failure to provide and maintain medical facilities as required in these rules:

(1) if any employer does not provide and maintain medical facilities as required in these rules to the satisfaction of the Chief Inspector, the latter shall at the expense of the defaulting employer, cause to be provided and maintained such facilities in the nearest Garden Hospital or Dispensary or in the district or other similar Hospitals. 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 purpose of attendance on any sick worker or workers:

   (b) the maintains of sick workers in a hospital or dispensary for each day; and

   (c) transport to and from provided to the sick workers.

(2) Where medical facilities are not provided by an employer, the State Government may also arrange for such medical facilities as they deem necessary and recover such contributions from the employer as the State Government may specify in this behalf.
40. Recovery of sum due Under Rule 39:

When any sum of money is due from any employer under rule 39, the Chief Inspector shall give notice in writing requiring the payment of the amount to the Collector, who may recover the same as an arrear of land revenue.

CHAPTER IV
WELFARE

Rules prescribed under Section 11

41. Canteens:

In or near every plantation wherein one hundred and fifty or more workers are ordinarily employed, the employer shall arrange directly otherwise, to provide and maintain a canteen or canteens with the facilities for sale of tea, coffee and snacks to the workers.

42. Prices to be charged:

(1) tea, coffee 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.

Rules prescribed under Sub-section(3) of Section 12

43. Creches(1) * [the creche or creches required to be provided and maintained under section 12 of the act shall be in accordance with the standards laid down in the rule.]

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

(3) There shall be not less than 15 sq. ft 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 creche building shall be in accordance with the
standard plan, or with other plans approved by the chief inspector.

(6) The Creche shall be furnished with suitable furniture and a cradle
for each child below the age of two.

(7) A suitable fence and shady open air playground shall be provided
to the elder children.

(8) The employer shall appoint-

   (i) a woman to be in charge of each creche. Such women shall
   have the training approved by the State Government. There shall be one
   woman for every thirty children.

   (ii) Such other staff on a scale approved by the state Government

44. Wash Room:

(1) there shall be in or adjoining the creche a suitable wash room for
the washing of their children and their clothes.

(2) There shall be provided a latrine for the use of the children in the
creche.
45. 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* [free of cost] for each child on every day it is accommodated in the creche and 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.

** Note: For the purpose of this rule, the wholesome refreshment shall consist of 100 gms. of fruit (plantain, orange, papaya or mango) and a porridge having the following ingredients at the rate shown against each, per child.

1. Wheat, Rawa or Ragi flour - 50 gms
2. Milk - 10 ml
3. Groundnuts(roasted) - 15 gms
4. Sugar/Jaggery - 25 gms

The wheat, rawa or ragi flour may be cooked in sufficient quantity of water till it becomes soft and semisolid. The Rawa may be roasted slightly before cooking, add milk and broken ground nuts (roasted) and boil thick. Sugar or jaggery may be added and remove from fire.

46. Supply of clothes, soap and oil:

(1) The creche attendant or attendants shall be provided \* [free of cost] with four sets of clean clothes per year for use while on duty in the crèche.

(2) An adequate supply of clean clothes, soap and oil shall be made available [free of cost] for each child while it is in the creche.

Rules prescribed under Section 13

47. Recreation Facilities:

Every employer shall provide and maintain:

(i) a recreation centre for workers with provision for indoor games suitable for adult and child workers;

(ii) where adequate flat open space is available within a reasonable distance, a playground for adult and child workers with necessary sports equipment for outdoor games:

Provided that subject to the provisions of rule 47 a group of employers may with the approval of the Chief Inspector provide and maintain joint recreation centres and playgrounds and share their expenses.

48. Every recreation centre to be provided and maintained under rule 47 shall be conveniently situated as near as possible to the worker’s quarters.

49. Educational Facilities for Workers' children:

Every employer shall, if number of workers' children between the age of 6 and 12 in his plantation exceeds 25, provide and maintain a primary school or school 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 state Government or of any local body for imparting free education to the children up to primary or higher standard, and within a distance of two miles 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 schools started with less than fifty children may be considered for recognition by the Education Department, on condition that the entire expenses including the salary of teachers shall be met by the employers and financial aid from Education Department may be considered on merits under the provisions of the Kerala Education Rules, if and when the number of pupils in the institutions exceeds fifty".]

Provided further that subject to the provisions of sub-rule (1) of rule (50)a group of employers may jointly provide and maintain a primary school and share its expenses.

50. (1) Every school to be provided and maintained under rule 49 shall be conveniently situated and within a distance of two miles from the workers' quarters.

(2) No school opened without the previous sanction of the Director of Public Instruction shall be recognised.

(3) The school shall be under the administrative control of the State Education Department.

(4) Every school shall be under the management of one person or by constituted body of persons approved by the Education Department.

(5) The school shall be conducted in conformity with the conditions of the Education Code.

(6) A school should have a minimum site of 50 cents of land approved by the Education Department and building 100’x18’ constructed in accordance with the standard plan or plans approved by the Director of Public Instruction:

Provided that where there is no standard plan or where it is proposed to deviate from a standard plan the Director of Public Instruction’s approval of the plan of the school building shall be obtained.

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

51. There shall be provided for every primary school maintained under rule 49 such educational and other equipment as may be considered necessary by the Director of Public Instruction or such other authority appointed by him.
52. No person shall be permitted to teach in a school unless he has the required qualifications as per Education Code rules and holds a license granted by the Director of Public Instruction:

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 Director of Public Instructions or such other authority as may be appointed by him may, subject to such condition specified, relax any of the qualifications.

53. The curriculum, duration standard and syllabus of the course of instruction to be imparted in the primary school shall be such as may be prescribed by the Education Department.

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

Rules prescribed under Section 16

55. Housing Accommodation for Workers:

Every employer shall provide for every worker and his family residing in a plantation, housing accommodation as near as possible to 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 up to the maximum required.

56. Standard and Specification of Housing Accommodation:

All housing accommodation for workers in a plantation shall conform to such standards and specification as may be approved by the state government on the recommendation of the Advisory Board referred
to in rule 65, provided that existing buildings substantially conforming to the later specifications may be accepted.

57. Sites for Housing Accommodation:

(1) The housing accommodation shall be provided on dry well-drained land which, taking into consideration of the requirements regarding distance from the plantations, has supplies of wholesome drinking water within a reasonable distance. In Malaria tracts, the houses shall be provided at a safe distance from the swamps and marshes and above the highest flood level.

(2) Adequate electric lighting shall be provided by employer in the houses provided for the workers and also in and around the area in which housing accommodation is provided.

(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 public free access to those parts of the plantation where the workers are housed.

(5) The employer shall cause the vicinity of all house to be kept clear of refuse and excreta and their latrine and drains to be cleaned out daily and all refuse in or near them to be collected, removed and disposed of hygienically.

58. Housing Scheme:

Within six months after standards and specifications are approved by the government, 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 plantations, such period being not later than the period referred to in rule 55.

(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 56.

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

59. Construction of houses in accordance with scheme 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 the prescribed form on the 31st January and 31st July every year.
60. 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 defect in the condition of a house which makes it dangerous to the health and safety of the worker. Where an inspector so brings 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. The dates on which lime-washing or painting was last carried out shall be painted or stencilled at a convenient spot on each building.

61. 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 plantation.

62. *[Allotment and occupation of Houses:

(1) Houses shall be allotted on the basis of one house for a worker having a family for the use of the worker and his family.

Provided that if there are two or more workers in a family, only one house shall be allotted in respect of any such family in the name of any worker in the family.

Provided further that in the case of termination of services of a worker in whose name a house is allotted under the preceding provision, the house shall be allotted in the name of any other member of his family who is a worker.]

[1A] The employer may allot house to workers not having families at the rate of one house for not more than four such workers.

(2) The occupant of 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 worker and members of their families occupying the house shall use the latrines provided and shall not pollute the soil and shall keep the house and the precincts thereof clean and tidy and shall not waste drinking water.

(6) No cattle or goats shall be kept in the living rooms or verandahs and no window or air space shall be blocked up.

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

* Inserted by Notification published in Kerala Gazette, dated 5-12-1967.
63. Occupation of accommodation after termination of employment:

(1) When a worker dies in the service of the employer or retries or goes on transfer, or resigns or goes on leave or when his services are terminated, he or his family, as the case may be, may retain the house up to the period as detailed below:

   (i) In the case of death, a period not exceeding three months, and in the case of transfer or termination of service, a period not exceeding two months;

   (ii) In the case of 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 or dismissal of a worker results in an industrial dispute for so long as the case is not finally disposed of.]

(2) If the competent authority is satisfied that a worker or any member of his family refuses to vacate the house allotted to such worker after the expiry of the period specified in sub-rule (1), he may notwithstanding anything containing in any other law for the time being in force by the notice served,

   (i) by post or

   (ii) by affixing a copy of it on the outer door or some other conspicuous part of such house or

(iii) in such other manner as may be prescribed, required that such worker or a member of his family or any other person who may be in occupation of the whole or any part of the house to vacate it within one month of the date of service of such notice.

(3) In the event the failure of the worker or any other person who is in occupation of the house to comply with the notice under subrule (2), the competent authority may make a written requisition to the officer not below the rank of a revenue division officer having jurisdiction over the area to evict such worker, member or other person from the house.

(4) On receipt of requisition under sub-rule (3) shall by order evict such worker, member or other person from and take possession of the house and shall for that purpose use such force as may be necessary;

provided that before taking such possession a copy of the order of eviction shall be served on the worker or a member of the family or any other person in occupation of the said house.

64. Facilities for harvesting standing crops on termination of employment:

(1) 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.

(2) In the case of any employer wanting to take over for the estate use any plot of land that is being cultivated by the workers, the workers shall be given reasonable compensation in lieu thereof.

* Amended by Notification G.O. (Rt.) No. 1426/75/LBR dated 6-12-1975, Kerala Gazette, No.1, dated 6-1-76 as S.R.O. 9/76.
[64 A. failure to provide and maintain certain facilities:

(1) If in any plantation the employer does not provide and maintain all or any of the facilities and amenities required to be provided under rules 41 to 46 or 49 to 63, the Chief Inspector shall issue notice to employer requiring him to provide the facilities and amenities within 30 days of receipt of the notice. If no satisfactory reply is received within the time specified or the required facilities or amenities are not provided he may require the Chief Engineer (Roads and Buildings) to construct the Building(s) for the purpose in conformity with the provisions contained in the said rules at Government cost and send a certificate of cost incurred thereof to the Chief Inspector.

(2) The Chief Inspector shall arrange to provide other facilities and amenities required to be provided under the said Rules at Government cost.

(3) After estimating the total cost incurred under sub rule (1&2) the chief inspector shall require the employer in writing to remit the amount so estimated within a month failing which the chief inspector shall issue a certificate for the amount to the collector who may recover the amount as an arrear of land revenue.

69. A. Commissioner:

Any Commissioner for workmen's compensation appointed under section 20(1) of the Workmen's Compensation Act 1923 (act VIII of 1923) shall be qualified to be appointed as Commissioner for the purpose of determining the amount of Compensation payable under section 16A of the act.

69A. Conditions of service of Commissioner:

The service conditions of the Commissioner under the Plantations Labour Act 1951 shall be the same as those applicable to the Commissioner for Workmen's Compensation.

69B Procedure of Commissioner and other matters:

(1) The Application for payment of compensation under 16A shall be in the prescribed form under rule 20 of the Kerala Workmen's Compensation Rules, 1958. The procedure laid down in the Kerala Workmen's Compensations rules 1958 shall mutatis and mutandis apply for the receipt and disposal of application for compensation by the Commissioner.

(2) The matter or matters on which the Commissioner seeks the assistance of person possessing special knowledge shall relate to any one or more of the following:

(a) the cause leading to the collapse of the house;

(b) The sole and direct fault if any on the part of any occupant of the house for the collapse of the house;

(c) The existence or otherwise of natural calamity;

(d) The extent of injury sustained by a worker or any member of his family and the loss of earning capacity.

(3) Any amount of compensation awarded by the commissioner shall be recovered as arrears of land revenue by collector of the district in which the accident occurred on receipt of a certificate from the commissioner to that effect.

\textit{Rules prescribed under Section 17}

70.(1) Every employer shall supply to every worker free of cost once in every twelve months either a combli or an umbrella or rain-coat or a hat of suitable quality approved by the chief inspector;

Provided that in an estate situated at an elevation of 2500 ft or more above sea level one extra combli shall be supplied in addition to the above.

Provided further that in the case of temporary workers, the employer shall have the option of supplying a special type of combli which is returnable on termination of the employment alternatively an allowance of * [three paise] per day’s work.

* Amended by Notification No. G.O. (Rt.) 861/75/LBR, dated 8-8-1975.
In case of dispute or difference of opinion regarding the elevation of any estate the Chief Inspector shall arrange for elevation being determined.

* [(2) If in any plantation the employer does not supply the weather protective to the workers as required under sub-rule (1), the Chief Inspector shall issue notice to the employer requiring him to supply the weather protectives within 30 days of receipt of the notice.]

(3) If no satisfactory reply is received or the weather protective are not supplied within the time specified, the Chief Inspector shall arrange to supply the weather protectives to the workers and issue notice to the employer to remit the amount of expenditure incurred thereof within 30 days of the receipt of the notice. If the employer fails to remit the amount within the time specified, the Chief Inspector shall issue a certificate for the amount to the collector who may recover the amount as an arrear of land revenue.

** [NOTE:- The supply of either a combli or an umbrella or a rain coat or a hat mentioned above and also the supply of an extra combli stipulated in the first provision shall have to be made on or before the 31st May of every year.]

CHAPTER V
HOURS AND LIMITATION OF EMPLOYMENT

Rules prescribed under Section 20

71. Weekly Holidays:

72. (1) Unless otherwise permitted by the state Government no workers 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.

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, which is not a general holiday, but in so doing he shall not work for more than ten days consecutively without having holidays for one full day.

(2) Every worker shall be paid for work on his 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, double the ordinary rate.

Rules prescribed under Section 23

72. Notice of Period of work:

(1) The notice prescribed in section 23 shall be in the prescribed form.
(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 period 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 changes is made or within three days of making any such change.

CHAPTER VI
SICKNESS AND MATERNITY BENEFITS

Rules prescribed under Section 32

* [73. Payment of Sickness Allowance:

   Every * [adult] 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 an year at the rate of two-thirds of his daily time rated wages, [subject to a minimum of Rs. 1 per day].

   ** (1A) Every adolescent worker shall be entitled to get sickness allowance from his employer for each day of certified sickness for a total period of 14 days in an year at the rate of 65 paise per day.

   (1B) Every child worker shall be entitled to get sickness allowance from his employer for each day of certified sickness for a total period of 14 days in an year at the rate of 50 paise per day.]

(2) Sickness allowance specified in sub-rule (1) shall be paid either weekly or along with 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 the prescribed form (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 on his 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) Notwithstanding any thing contained in these rules no worker shall be entitled to sickness benefits for any day on which he works.

* [73 A. Accumulation of sick leave:

(1) Notwithstanding anything contained in the rule 73 where in any year a worker does not take the whole of the leave allowed to him under subrule (1) of that rule, he shall be entitled to add the leave not taken in that year to the leave to be allowed to him in the succeeding year:

Provided that the number of the days of the leave that may be carried forward to succeeding year shall not in any case exceed thirty days.

(2) In addition to the leave to which a worker is entitled under sub-rule (1) of Rule 73 and sub rule (1) of this rule, a worker may in the

event of certified sickness the prefix of suffix to such leave, the balance amount, if any, of the annual leave with wages outstanding to his credit under section 30 of the act.

Provided that the leave taken under the sub rule shall be allowed only in genuine cases of serious chronic illness or for prolonged period of convalescence on the basis of a certificate in the form prescribed.

(i) from the Chief Medical Officer or medical officer of a plantation, or

(ii) If the worker is on leave from the plantation on the basis of certificate from any Government Doctor, from a person not below the rank of an assistant surgeon.

(3) Sickness allowance at the rate laid down in rule 73 shall be payable for the days of the leave availed of under sub-rule(1)

74. Payment of Maternity Allowance:

Every woman employed on a plantation in the case of confinement, expected confinement, shall without prejudice to her right, if any, to premedical facilities existing in a plantation be entitled to obtain from her employer maternity allowance at such rate, for such period and at such intervals as have been provided for in the *[Maternity Benefit Act 1961 (Central Act 53 of 1961)]* and the rules made thereunder.

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APPENDIX III

LIST OF SETTLEMENTS/DECISIONS MADE IN
THE PLANTATION LABOUR COMMITTEE (PLC)

2. Proceedings for the first meeting of the Plantation Labour Committee dated 7-5-1956
4. Proceedings of the Plantation Labour Committee dated 9th to 12th July 1956
5. Bonus Settlement for the years 1953, 54 for temporary workers for the years dated 10-7-1956
7. Proceedings of the Plantation Labour Committee dated 9th and 10th October 1956
8. Bonus settlement Tea cum Rubber Estates dated 10-10-1956
10. Bonus settlement tea/rubber estates dated 19.05.1957
11. Proceedings of the Plantation Labour Committee dated 18.06.1957
12. Proceedings of the Plantation Labour Committee dated 05.07.1957
13. Proceedings of the Plantation Labour Committee dated 05.07.1957
14. Proceedings of the Plantations Labour Committee dated 6-8-1957
16. Wage Revision Settlement of Plantation Labour Committee dated 06.03.1958.
17. Proceedings of the Plantation Labour Committee dated 06.03.1958
23. Proceedings of the Plantation Labour Committee dated 13.05.1960
24. Proceedings of the Plantation Labour Committee dated 15.06.1960
27. Proceeding of the Plantation Labour Committee dated 06.07.1961
28. Gratuity Scheme for Plantation Industry settlement dated 09.02.1962
29. Proceedings dated 09.02.1962 of the PLC
30. Proceedings dated 17.03.1962
33. Proceedings of the Plantation Labour Committee dated 30-5-1963
34. Bonus for 1960, 61 and 62 of tea and rubber estates settlement dated 31-5-1963
35. Proceedings of the Plantation Labour Committee dated 31-5-1963
36. Proceedings of the Plantation Labour Committee dated 18-10-1963
37. Proceeding of the Plantation Labour Committee dated 6-12-1963
38. Bonus settlement of cardamom plantations for the years 1960-61 and 1962 dated 6-12-1963
39. Proceedings of the Plantation Labour Committee dated 21-3-1964
40. Proceedings of the Plantation Labour Committee dated 14-7-1964
41. Proceedings of the Plantation Labour Committee dated 20-11-1964
42. Proceedings of the Plantation Labour Committee dated 5-12-1964
43. Wage increase of rubber plantation workers settlement dated 5-12-1964
44. Proceeding of the Plantation Labour Committee dated 3-2-1965
45. Bonus settlement of Coffee Industry for 1963 dated 16-6-1966
46. Bonus settlement of Cardamom Industry for dated 29-6-1966
47. Proceeding of the Plantation Labour Committee dated 15-12-1966
49. Proceeding of the Plantation Labour Committee dated 20.03.1967
50. Proceeding of the Plantation Labour Committee dated 16.06.1967
51. Proceedings of the Plantation Labour Committee dated 30.08.1967
53. Proceedings of the Plantations Labour Committee dated 5.10.1967
55. Proceedings of the Plantations Labour Committee dated 29.02.1968
59. Wage rates and other issues in tea and rubber plantations, settlement dated 30.05.1969.
60. Wage rates and other issues in tea and rubber plantations, Settlement dated 30.05.1969.
61. Wage rates and other issues in tea and Rubber Plantations, settlement dated 30-6-1969
62. Wage rates and other issues in tea and Rubber Plantations Settlement dated 08.11.1969.
63. Minutes of the meeting of the Plantation Labour Committee, dated 29.11.1969
64. Minutes of the meeting of the Plantation Labour Committee dated 08.12.1969.
68. Overpound wages Settlement dated 10.11.1970
70. Wage rates and other issues in Tea and Rubber Plantations Settlement dated 10.11.1970
71. Proceedings of the Plantation Labour Committee dated 8-1-1971
73. Proceedings of the Plantation Labour Committee dated 20-3-1971
74. Report (10-6-1971) of the Sub-Committee constituted to study the conditions to employment in the cardamom Industry including dissenting notes
75. Minutes of the meeting of the Plantation Labour Committee dated 9-6-1971.
76. Wage rates.
78. Wage rates and conditions of service supervisors settlement dated 25-1-1972
79. Wage rates and conditions of service supervisors settlement dated 3-2-1972
80. Extract of proceedings of the Plantation Labour Committee dated 8-4-1972
81. Proceedings of the Plantation Labour Committee dated 24-4-1972
82. Bonus settlement of Plantation Industry for 1971 dated 24-4-1972
83. Minutes of the Plantation Labour Committee dated 12-7-1972
84. Wage rates and D.A. settlement of Plantation Industry dated 12-7-1972
85. Note on the salient features on the long term settlement in Tea, Rubber Plantations regarding revising wages and D.A.
86. Recruitment of casual labourers in Plantation Industry, settlement dated 24-7-1972
87. Decision of the Plantation Labour Committee dated 4-8-1972
88. Decision of the Plantation Labour Committee dated 19-8-1972
90. Plantation Labour Committee-decision dated 29-8-1972
91. Plantation Labour Committee-decision dated 29-8-1972 etc.
92. Plantation Labour Committee-decision dated 9-10-1972
93. Wage rates and D.A. settlement of Plantation Industry dated 13-10-1972
95. Wage rate and D.A. Settlement of Plantation Industry dated 9-11-1972
100. Bonus settlement of Plantation Industry for the year 1973 dated 4-11-1974
103. Wage revision settlement of Plantation Industry dated 4-6-1976
104. Decision of Plantation Labour Committee dated 12-6-1976
105. Wage revision settlement supervisors in cardamom and coffee Estates Settlement dated 24-7-1976
106. Service conditions of workers in Cardamom Industry settlement dated 25-4-1977
107. Wage revision settlement of Plantation Industry dated 11-8-1977
108. Service conditions of staff in Plantation settlement dated 23-8-1977
110. Wage revision Settlement of Plantation Industry dated 28-12-1977
111. Proceedings of the Plantation Labour Committee dated 23-5-1978
112. Overkilo wages in Plantation Industry Settlement dated 12-6-1978
113. Wage revision Settlement Plantation Industry Settlement dated 5-12-1978
114. A statement showing details of benefit to Plantation workers dated 20-1-1979
115. Plantation Labour Committee decision dated 19-2-1979
116. Extract of the Plantation Labour Committee meeting dated 31-3-1979
117. Minutes of the meeting of the Plantation Labour Committee dated 29-6-1979
118. Proceedings of the Plantation Labour Committee dated 4-7-1979
121. Charter of demands of workers in Plantation Industry Settlement dated 26-6-1980
124. Minutes of the Plantation Labour Committee dated 17-7-1981
125. Minutes of the Plantation Labour Committee dated 7-7-1982
126. Minutes of the Plantation Labour Committee dated 29-7-1982
127. Minutes of the Plantation Labour Committee dated 21-2-1982
131. Wage revision settlement of Plantation Industry dated 8-2-1984
132. Wages of workers in Tea & Rubber Plantation Settlement dated 4-6-1984
133. Payment of Night allowance to the workers in Plantation Industry Settlement dated 27-10-1984
136. Way expenses to the workers of Plantation Labour Committee dated 17-2-1986
137. Minutes of the meeting of the Plantation Labour Committee dated 3-11-1986
138. Minutes of the meeting of Plantation Labour Committee dated 4-11-1986
139. Minutes of the meeting of the Plantation Labour Committee dated 11-11-1986
140. Proceedings of the Plantation Labour Committee dated 22-12-1986
141. Wage increase to the workers in Plantation Industry Settlement dated 22-12-1986
142. Wage increase to the workers in Plantation Industry Settlement dated 22-12-1986
143. Way expenses to the employees of Plantation Industry Settlement dated 5-2-1987
144. Weather protective to workers in Plantation Industry Settlement dated 27-6-1987
145. Minutes of the PLC dated 29-2-1988
146. Minutes of the PLC dated 5-3-1988
147. Minutes of the PLC dated 7-5-1988
148. Wage rates in rubber plantations Settlement dated 6-10-1988
149. Minutes of the PLC dated 18-2-1989
150. Minutes of the PLC dated 25-10-1989
151. Wage rates and service conditions of staff in Plantation Industry, Settlement dated 14-2-1990
152. Minutes of the PLC dated 9-4-1990
153. Minutes of the PLC dated 29-5-1990
APPENDIX IV

WAGE RATES FOR TEA, COFFEE, RUBBER AND CARDAMOM

Average of the Ernakulam Cost of Living (COL) Indices (Base 1970 = 100) for the quarter October/December 1998 is 968 as against the corresponding figure of 956 for the previous quarter. Wages payable in tea, coffee, cardamom and rubber on this basis (COL Index above 400 @ 6 ps per point per day for adults and @ 4.75 ps for adolescents) for the quarter April/June 1999 (968-400) are shown below. Wages paid as per Circular No. 1484 are indicated alongside.

### Daily Rated

<table>
<thead>
<tr>
<th></th>
<th>Basic Rs.</th>
<th>D.A. Rs.</th>
<th>Total Rs.</th>
<th>Previous Quarter Rs.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Tea, Coffee, Cardamom</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Field workers</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adults</td>
<td>28.25</td>
<td>34.08</td>
<td>62.33</td>
<td>61.61</td>
</tr>
<tr>
<td>Adolescents</td>
<td>21.19</td>
<td>26.98</td>
<td>46.17</td>
<td>47.60</td>
</tr>
<tr>
<td>b) Factory workers - Tea</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adults</td>
<td>30.00</td>
<td>34.08</td>
<td>64.08</td>
<td>63.36</td>
</tr>
<tr>
<td><strong>B. Cardamom (Other than mixed crop estates)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adults</td>
<td>27.65</td>
<td>34.08</td>
<td>61.73</td>
<td>61.01</td>
</tr>
<tr>
<td>Adolescents</td>
<td>20.59</td>
<td>26.98</td>
<td>47.57</td>
<td>47.00</td>
</tr>
<tr>
<td><strong>C. Rubber</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Field workers</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adults</td>
<td>33.29</td>
<td>34.08</td>
<td>67.37</td>
<td>66.56</td>
</tr>
<tr>
<td>Adolescents</td>
<td>24.98</td>
<td>26.98</td>
<td>51.96</td>
<td>51.39</td>
</tr>
<tr>
<td>b) Time rated tappers</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The time rated tappers to be paid in addition, a differential of Rs. 3.00 per day.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Factory workers</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adults</td>
<td>35.29</td>
<td>34.08</td>
<td>69.37</td>
<td>68.65</td>
</tr>
</tbody>
</table>

Besides the wages indicated above, service weightage at the rates specified in Circular No. 1420(R) dated 17th July, 1996 is to be paid to those who were eligible on 1-4-1995. Further, the PLC decision explained in Part I-1 of the Annexure to Circular No. 1481 dated October 10, 1998 is to be implemented.

* Source: The Association of Planters of Kerala (APK), Kochi, Circular No. 1488, dated 22-3-1999 based on PLC settlement dated 15-7-1996.
APPENDIX V

INTERVIEW SCHEDULE

A. Personal Data

1. Name and Address of the worker :
2. Age :
3. Religion and Caste :
4. Marital status :
5. If married, no. of children :
6. Educational background :
7. Plantation in which employed : Tea / Coffee / Rubber / Cardamom

B. Family Background (as on 31-3-1997)

1. Type of family : Nuclear / Joint
2. Head of the family :
3. Other members Relation to the Head Age Occupation
   i) 
   ii) 
   iii) 
   iv) 
   v) 
   vi) 
   vii) 

C. Educational Background

1. The educational level of members of the family

<table>
<thead>
<tr>
<th>Family member</th>
<th>L.P.</th>
<th>U.P.</th>
<th>H.S.</th>
<th>S.S.L.C. passed</th>
<th>College</th>
<th>Literacy programme</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2. Whether you are interested to study more: Yes / No
3. Whether you are interested to send your children to school: Yes / No
4. If yes, is it because you have to get a job by this: Yes / No
5. If no, (a) is it because you lost the hope to get a job by education: Yes / No
   (b) is it because you have no money: Yes / No

D. Economic Condition
1. Wage of the respondent per day
2. Income per month
3. Any other earning number in the family
4. If yes, the details of income per month

<table>
<thead>
<tr>
<th>Relationship with the respondent</th>
<th>Occupation</th>
<th>Income per month</th>
</tr>
</thead>
</table>

5. Land owned (Area)
6. Any subsidiary income: Yes / No
   If yes, income per month

<table>
<thead>
<tr>
<th>Item</th>
<th>Money income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cattle</td>
<td></td>
</tr>
<tr>
<td>Poultry</td>
<td></td>
</tr>
<tr>
<td>Land</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

7. Total income per month
8. Income needed for subsistence
9. Savings, if any
   If yes, its mode
   Yes / No
   P.O./Bank/Chit/Others

10. Gold or jewellery owned
    Yes / No

11. Do you have a T.V./Radio
    Yes / No

12. Domestic articles owned
    Chair/Table/Almirah/Wall/Clock/
    Sewing machine/Others

13. Debt, if any
    Yes / No
    If yes, the amount borrowed
    a) Source of borrowing
    Friends/Relatives/Bank/
    Co-op Society/Money lenders
    b) Rate of interest
    c) Reason for borrowing

14. Do you have the habit of family
    budgeting?
    Yes / No

15. Do you have the freedom to spend
    money?
    Yes / No

E. Living Conditions

1. The house you live in
   Own/Rented/Provided by the
   Management/Others

2. Type of house
   Tatched/Tiled/Concrete

3. No. of bedrooms

4. Separate kitchen
   Yes / No

5. Is a bathroom available
   Yes / No

6. Are there latrine facility
   Yes / No

7. Toilet facilities
   Open space / Community toilets /
   Public toilets / Own toilet

8. Waste disposal
   Solid compost / Burning / Any other

9. Source of drinking water
   Tap / Tank / Well / Canal / Others

10. Your house is electrified
    Yes / No

11. How many times your family take
    food
    Two / Three / Four

12. Your usual ailment
    

13. Do you feel that the ailment is due to
    work
    Yes / No
14. Type of hospital you get medical aid from: Government / Private

15. How long were you admitted in the hospital for illness?:

16. How many days you work a week?:

17. If you do not go for work daily, is it due to health problems?:

F. **Working Conditions**

1. Distance from home to work place:

2. Nature of conveyance: Bus / Walking / Other

3. Do you have any conveyance difficulties: Yes / No

4. What is your work?:

5. Nature of work: Permanent / Temporary

6. How long have you been working here?:

7. No. of working hours/day: From To

8. Do you get any allowance If yes, specify:

   - PF / Unemployment Allowance /
   - Bonus / Sickness Allowance /
   - Maternity benefits / Festival allowance

9. Do you get amenities of work?: Latrines / Resting shed / Drinking water

10. Are you provided with medicines if any accidents happens while at work?: Yes / No

11. Do you get permission for leave?: Yes / No

12. Do you get resting time during work?: Yes / No

13. Do you think that the work is too much for you?: Yes / No

14. No. of working days in a month in season time:  
15. Conditions of work in a year

Name of Month/Months

<table>
<thead>
<tr>
<th>Busy</th>
<th>Normal</th>
<th>Dull</th>
<th>No work</th>
</tr>
</thead>
</table>

16. Are you paid any extra remuneration for additional hours of work?

Yes / No

17. Are there any chances for promotion?

Yes / No

18. Do the menfolk get better wages, specify.

Yes / No

19. Are you a member of any trade union?

Yes / No

20. Does the union benefit you

Yes / No

G. Social Conditions

1. How do you spend your leisure time

Reading / Farming / Recreation / Talking / Taking rest / Other

2. Are you a member of

Club / Library / Cultural organisations / Others

3. Do you like movies?

Yes / No

4. If yes, how often do you see

Weekly / Monthly

5. Are you particular in attending religious ceremonies regularly?

Yes / No

6. Whether you are interested in attending festivals?

Yes / No

7. Whether you are interested in the cultural activities

Yes / No

8. Do you wish those type of activities to be conducted in your plantation?

Yes / No

9. Have you got equal status with men at home in decision making?

Yes / No

10. What arrangements do you make for domestic work while you come to work?


11. Who looks after you younger children while you are at work


12. Is a creche available? How many children are there in the creche?


Yes / No

H. Job Satisfaction

1. Are you satisfied with the present hours of work?

Very much satisfied / Satisfied / Not satisfied / Not at all satisfied

2. Amount of wage

Very much satisfied / Satisfied / Not satisfied / Not at all satisfied

3. Working place

Very much satisfied / Satisfied / Not satisfied / Not at all satisfied

4. Quality of work

Very much satisfied / Satisfied / Not satisfied / Not at all satisfied

5. Quantity of work

Very much satisfied / Satisfied / Not satisfied / Not at all satisfied

6. Availability of medical aid

Very much satisfied / Satisfied / Not satisfied / Not at all satisfied

7. Availability of leave

Very much satisfied / Satisfied / Not satisfied / Not at all satisfied

8. Job security

Very much satisfied / Satisfied / Not satisfied / Not at all satisfied

9. Leisure time given

Very much satisfied / Satisfied / Not satisfied / Not at all satisfied

10. Provision of amenities

Very much satisfied / Satisfied / Not satisfied / Not at all satisfied

11. Facilities provided for caring of young children at the work place

Very much satisfied / Satisfied / Not satisfied / Not at all satisfied

12. Are you satisfied with the present job?

Very much satisfied / Satisfied / Not satisfied / Not at all satisfied

13. Are you satisfied with the management?

Very much satisfied / Satisfied / Not satisfied / Not at all satisfied

14. Would like to get another job?

Yes / No

15. Reasons for leaving the present job
1. Consumption Pattern

1. Personal expenditure per day

   Item: Tea Meals Others

2. Total expenditure of the family per week

   Item Expense per week
   Food :
   Clothing :
   Fuel and light :
   Medicine :
   Education :
   Miscellaneous :

3. Consumption of the following

   Item
   Meat
   Fish
   Egg
   Vegetables
   Milk
   Cereals

   Daily Weekly Monthly

   4. What kind of food you take most
   Cereals / Pulses / Tapioca / Others

   5. Do you subscribe to
   Newspaper / Periodicals / Library books

   Remark of the enumerator

   Place:
   Date:
   Name and Signature of the Enumerator